

An
Coimisiún
Pleanála

**Commission Order
PL-500449-DN-25**

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2621/25

Appeal by Damien O'Higgins and by Others against the decision made on the 19th day of November 2025, by Dublin City Council to grant, subject to conditions, a permission to Kevin Daly in accordance with plans and particulars lodged with the said Council.

Proposed Development: The insertion of a new 151 square metre detached single storey dwelling to the rear garden of the existing dwelling including vehicular access to the front of number 1 Kincora Avenue via a shared entrance, provision to include one number parking space adjacent to proposed dwelling, the construction of a new boundary wall between the proposed dwelling and the existing two storey dwelling, the formation of a new vehicular entrance to the side of 1 Kincora Avenue, the installation of new Solar/PV panels on the new roof areas and all associated site works at 1 Kincora Avenue, Clontarf, 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 backland and infill nature of the proposed development, on land zoned 'Z1 Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2022 - 2028, to the policies and objectives of the Development Plan and in particular policies QHSN6 (Urban Consolidation) and QHSNO4 (Densification of Suburbs), which support residential consolidation, intensification and densification, to the development standards, as set out in the Development Plan, to the "Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities" issued by the Department of Housing, Local Government and Heritage in January 2024, to the design, scale and layout of the proposed single storey development, and to the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an appropriate form of development on this serviced land, would not seriously injure the character of the area or the residential amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would accord with the zoning objectives, policies and provisions of the Dublin City Development Plan 2022 - 2028 and 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 the planning authority on the 24th day of October 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. (a) If agreeable, the developer shall extend the height of the western common boundary wall to 1.8 metres and agree the materials, colours and textures with the owner(s) of Number 3 Kincora Avenue.
- (b) If unable to achieve agreement with the owner(s) of Number 3 Kincora Avenue, the developer shall erect a fence inside the western common boundary wall to a height of 1.8 metres, with materials, colours and textures to be agreed with the planning authority.
- (c) The 1.8 metre wall/fence shall extend from alongside the front of the new proposed dwelling to the proposed new boundary wall that will separate the proposed development from Number 1 Kincora Avenue.

- (d) If agreement cannot be reached with the owner(s) of Number 3 Kincora Avenue, or with the planning authority, the matter shall then be referred to An Coimisiún Pleanála for resolution

Reason: In the interest of residential amenity.

3. The developer shall comply with the following transportation-planning requirements of the planning authority:
- (a) Prior to the commencement of development, the applicant shall submit to, and agreed in writing with, the planning authority, a revised site layout drawing with a turning area which is consistent with the auto-tracking drawing submitted at further information stage. The turnabout area and private open space area shall be free of all structures/obstructions. The proposed development shall operate in accordance with the details agreed under this condition.
 - (b) The vehicular entrance shall be a maximum of 4.0 metres in width and shall not have outward opening gates.
 - (c) Footpath and kerb shall be dished and new entrance provided to the requirements of the planning authority.
 - (d) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of traffic and pedestrian safety and Volume 2, Appendix 5 of the Dublin City Development Plan 2022 - 2028.

4. 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.

5. All screening and solid non-glazed openings shall be permanently retained.

Reason: In the interest of residential amenity to prevent overlooking.

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

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

7. 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 interests of visual and residential amenity.

8. 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 interests of public health and surface water management.

9. The naming and numbering of the dwelling unit shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the dwelling.

Reason: In the interest of orderly street numbering.

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

Reason: To safeguard the amenity of property in the vicinity.

11. 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 noise management measures and off-site disposal of construction/demolition waste.

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

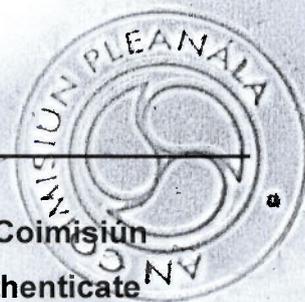
12. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of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

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.



Declan Moore

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



Dated this *25th* day of *MARCH* 2026.