

Planning and Development Act 2000, as amended

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD25A/0269W

APPEAL by Michael and Janice McVeigh against the decision made on the 12th day of December, 2025 by South Dublin County Council to refuse permission for the proposed development.

Proposed Development: (1) The demolition of the existing garage building attached to the side of the existing house, (2) the construction of a detached single storey two bedroom pitched roof dwelling within the side garden of the existing house, (3) new vehicular entrance of the public road to provide off road parking for the new house and amendments to the existing vehicular access for the existing house, (4) increase in height of part of the existing low level boundary wall to 1.75 metre high abutting the public footpath along the south west boundary line fronting onto Dangan Park, and (5) connection to all public services and all necessary ancillary site development works to facilitate the development, all at 59 Dangan Park, Kimmage Road West, 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 site's location on urban land, to the residential zoning objective which applies to this site under the South Dublin County Development Plan 2022 - 2028, to national and regional guidelines including, inter alia, "The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities" issued by the Department of Housing, Local Government and Heritage in 2024, to the nature, scale and form of development, to the pattern of development in the area, and to development standard 12.6.8 of the Development Plan relating to Residential Consolidation, inter alia, Corner/Garden Sites, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable form of development on a side garden site, would be acceptable in terms of residential amenity for future residents, private open space, traffic, and pedestrian safety, and would not adversely impact on the visual or residential amenities of the area. 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, the Commission considered the totality of the documentation on file and agreed with the Inspector that the proposed development is consistent with the listed 'infill sites' criteria, as set out in Section 12.6.8 (Residential Consolidation) of the South Dublin County Development Plan 2022 - 2028. The Commission concurred with the planning authority and the Inspector that the form, detailing, finishes and roof profile of the proposed infill house would reflect that of the existing dwelling house on site and the adjoining dwelling house in the streetscape at number 60 Dangan Park and that it would respect existing building line. The Commission also agreed with the Inspector in relation to the acceptability of the internal room sizes, configuration of the proposed dwelling and the acceptability in principle in relation to overlooking, visual amenity and separation distances. The Commission considered the provision in 12.6.8 which requires corner developments to provide dual frontage in order to avoid blank facades and to maximise passive surveillance of the public realm, whereby in the particular circumstances of the proposed development, the proposed reduction in height along the north eastern boundary wall to 900 millimetres would benefit the public realm, such that it would offset the proposed increase in height over a similar length of the boundary wall fronting Dangan Park.

Furthermore, the Commission agreed with the Inspector that the private open space for the infill house would satisfy both qualitative and quantitative open space provision. The Commission also determined that the proposed open space for the existing dwelling house, which is located behind the front building line to the side of the existing house, has a direct connection and visual link to the living spaces, would satisfy the provisions of Table 3.20 of the South Dublin County Development Plan 2022 - 2028 and, when taken in conjunction with amenity space of the existing rear yard, would be sufficient in terms of the provision of private open space.

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. (a) The proposed gates and piers serving the vehicular entrances shall be no more than 1.1 metre in height.

(b) The footpath in front of the proposed vehicular entrances shall be dished and strengthened at the applicant's own expense including any moving/adjustment of any water cocks/chamber covers and all to the satisfaction of the appropriate utility company and planning authority.

Reason: In the interests of amenity and of traffic and pedestrian safety.

3. The public facing sides of the proposed 1.8-metre-high walls delineating the private open space to Number 59 Dangan Park, shall be screened with planting, the details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The drainage proposals 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: In the interest of public health.

5. 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 the proposed or existing dwellinghouse without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed and existing dwellings.

6. 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 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 approval has been received from the planning authority.

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

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. Prior to the 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 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.

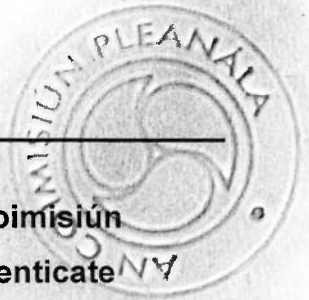


Emer Maughan

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 21st day of April 2026.