

An
Coimisiún
Pleanála

**Commission Order
PL-500723-DR-26**

Planning and Development Act 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D25B/0461

Appeal by David Wheelahan against the decision made on the 14th day of January, 2026 by Dún Laoghaire-Rathdown County Council to grant, subject to conditions, a permission to Susan Kirby and Joe Redmond in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Single storey family flat extension comprising of hallway linked to the existing dining of the main house, living/dining/kitchen room, two double bedrooms and two bathrooms with associated site works to the front, at 2A, Proby Square, Carysfort Avenue, Blackrock, Dublin.

Decision

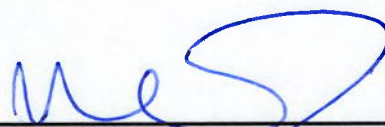
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

Having regard to the appeal and submissions on file, the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, including the Land Use Zoning 'Objective A' of the subject site and adjacent properties, which seeks to protect and/or improve residential amenity, and having regard to the planning history of the subject site and the adjacent lands, including the conditions attaching to planning permission register reference 4794/74 (modified under 12127/82), planning permission register reference 12457/82, planning permission register reference 494/91 (modified under 258/93), and the reasons for refusal of permission under planning register reference D98A/1097, it is considered that the subject site forms part of an area identified as open space to serve existing permitted residential units, and that the site was conditioned to be open space associated with the previously permitted development. The Commission considered that to permit the proposed development would materially contravene a previous planning permission on the lands and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission had regard to the planning history of the subject site and of the adjacent lands. The Commission noted that on 17 February 1999, a proposal under planning register reference D98A/1097, for two townhouses, additional carparking and revised layout at rear of and between number 2 and number 3 Proby Square, was refused by the planning authority for reasons including that the proposed development sought to erect two dwellings on areas of land designated as private open space in the planning permissions for existing apartments within the site, which would materially contravene condition number 1 of planning permissions PR 494/ 91 and PR 258/93, would represent overdevelopment of the site, and would seriously injure the amenities of adjoining residences within the overall site. The Commission did not consider itself to be fettered by the conditions attaching to previous planning permissions, but, having considered the totality of the information on

file including conditions of planning permissions PR 494/ 91 and PR 258/93, the Commission did not share the opinion of the Inspector that the open space area purchased by the applicant in 2021 was not used for the residential amenity of the Proby Square apartments. The Commission was satisfied, having regard to the planning history of the subject site and of the adjacent lands, that the subject site incorporated an area of land previously designated as open space to serve existing permitted residential units. The Commission also noted that the existing Proby Square development (with which the open space previously conditioned was associated) is zoned "Objective A" with the objective "To protect and/or improve residential amenity" and the Commission considered that the proposed development, if permitted, would have the potential to seriously injure the existing residential amenities of the area, and that permission for the proposed development should, therefore, be refused.



MaryRose McGovern

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 27th day of July 2026