

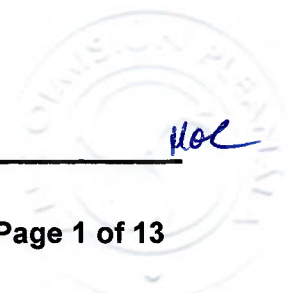
Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB5648/25

Appeal by Bernard McGowan against the decision made on the 14th day of January, 2026 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Planning permission for: Demolition of existing part one and two-storey buildings including basement on site; construction of part three and part four-storey residential building, containing a total of 20 number apartments comprising of three number studio apartments, seven number one-bed apartments, seven number two-bed apartments and three number three-bed duplex apartments and one number substation at ground floor level; communal amenity space at ground level all with associated site works, bicycle store, bin storage, landscaping and services at 174-180 Harold's Cross Road, Harold's Cross, Terenure, Dublin (known as McGowans of Harolds Cross). The proposed development was revised in the documents submitted by the applicant at appeal stage, including reducing the number of units to 16 and a proposal to retain building number 178-180 as well as the façade of number 176 and number 174 (McGowans).



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 provisions of the Dublin City Development Plan 2022-2028, as varied, and the location of the proposed development on zoned and serviced lands within an urban village/neighbourhood, it is considered that, subject to compliance with the conditions set out below, the development proposed would positively contribute to this neighbourhood, would provide an increase in housing stock in this accessible urban location with a range of social, commercial, and public transport infrastructure, would be acceptable in terms of urban design and building height, and would provide an acceptable form of residential amenity for future occupants and not seriously injure the residential amenity of adjacent dwellings. The Commission considered that the proposed development, with the amendments made in the documentation submitted with the appeal, which has reduced the number of units to 16 and proposes to retain building number 178-180 as well as the façade of number 176 and number 174 (McGowans), would be consistent with the Z4 zoning of the site to provide for and improve mixed services facilities where residential is a permissible use and within an area identified as an Urban Village in the Dublin City Development Plan 2022-2028, would be consistent with Policy BHA6– Buildings on Historic Maps and would not seriously injure residential or visual amenities or negatively impact cultural heritage.

The proposed development, as amended in the appeal documentation, has a density of 175 dwellings per hectare (dph), and, although this exceeds the density range of 60-150 dph in the Dublin City Development plan for Key Urban Villages, the Commission noted that Harolds Cross is located in the Urban Neighbourhood category of the Sustainable Residential Development

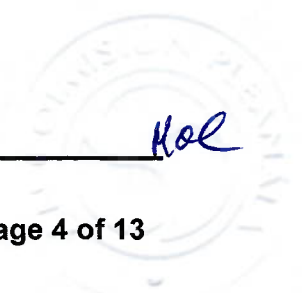
and Compact Settlement Guidelines (2024) where densities in the range 50-250 dph would generally be applied. The Commission concluded that, while the proposed density of 175 dph materially contravenes the density ranges specified in the development plan, the scheme as amended, which retains building number 178-180 and the facades of building number 174-176, would retain the legibility of the streetscape, would provide additional passive surveillance of Lower Kimmage Road, would provide acceptable private spaces with separation and screening from adjacent dwellings, would generally accord with the criteria as set out in Table 3 Appendix 3 of the Dublin City Development Plan 2022-2028, and all other aspects of the proposed development would accord with the provisions of the development plan. Furthermore, the Commission noted that the planning authority confined the reasons for refusal to issues related to the loss of extant structures and overlooking of adjacent property which have been addressed in the amended scheme submitted at appeal. 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, in relation to recommended refusal reason number 1, the Commission considered that the amended proposals as indicated in the grounds of appeal, which retain numbers 178-180 Harolds Cross Road in their totality and the retention of the facades of numbers 174-176 Harolds Cross Road (McGowans - the interior of which, the Commission noted, has been remodelled and modernised and contains little of the original features), showed due regard to the architectural heritage of the area, retaining those elements on the application site that contribute to the character and quality of the local streetscape, while also noting that there are no buildings on the application site that are Protected Structures or recorded on the National Inventory of Architectural Heritage nor is the site currently within an Architectural Conservation Area. The Commission was satisfied that the development, as proposed in the grounds of appeal, would be consistent with Policy BHA6 of the Dublin City Development Plan and would not adversely

impact on the architectural heritage or visual amenities of the receiving environment. The Commission were also satisfied that, taking account of the location of the site within the Zone of Archaeological for the Recorded Monument (RMP) DU018-050 (Settlement-Harold's Cross) and the previous significant development of the site as commercial units, the monitoring of the demolition and site work by an archaeologist would be acceptable to ensure the continued preservation of features or objects of archaeological interest.

Regarding recommended refusal reason number 2, the Commission were satisfied that, having regard to the amended drawings, proposed retention of building number 178-180 and the amended layout and orientation of fenestration of Unit 11 and Unit 16, as indicated in the grounds of appeal, that the development would not give rise to undue levels of overlooking and overbearance on the private amenity space or windows serving number 1 Shamrock Villas.

Regarding recommended refusal reason number 3, the Commission were also satisfied, having regard to the location of the site at a prominent location within Harolds Cross, that the proposed development, which will retain a building and a façade and subject to compliance with the conditions providing for frosting of the balcony balustrades and the omission of the anthracite grey finish to the 2nd floor above the retained facades of Harold's Cross Road and to the 3rd floor to the units fronting Kimmage Road, would not be visually obtrusive and incongruous within the established streetscape along Harolds Cross Road, would provide active frontage onto Kimmage Road Lower and, having regard to the provisions of the Architectural Heritage Protection Guidelines 2011 and Policy BHA6 of the Dublin City Development Plan, would not compromise section 11.5.2 of the Dublin City Development Plan 2022-2028 which indicates Harolds Cross as a priority area to become an Architectural Conservation 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 An Coimisiún Pleanála on the 10th day of February 2026, 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. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, details of the materials, including colours and textures, of all external finishes to the proposed development. The anthracite grey finish to the 2nd floor above the retained facades of Harold's Cross Road and to the 3rd floor to the units fronting Kimmage Road shall not be permitted.

Reason: In the interest of visual amenity.

3. Balconies on Unit 11 and Unit 16 shall be provided with glass balustrades which shall be manufactured opaque or frosted glass.

Reason: In the interest of residential amenity.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for the communal area within the development; and
- (b) proposed landscape planting including box planters, in the development, including details of proposed species;

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- 5. A Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall provide, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters and surfacewaters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

- 6. 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.

7. A full architectural and photographic survey of number 174-176 Harolds Cross Road or of elements of the buildings proposed for demolition shall be carried out, and drawings and photographs indicating details of these buildings, to a scale acceptable to the planning authority, shall be submitted to the planning authority prior to the commencement of development. Two copies of this record shall be submitted to the planning authority prior to the commencement of development.

Reason: In order to facilitate the preservation by record and recording of the architectural heritage of the site.

8. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all demolition, site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation (preservation in-situ/excavation). The developer shall facilitate the archaeologist in recording any remains identified.

Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

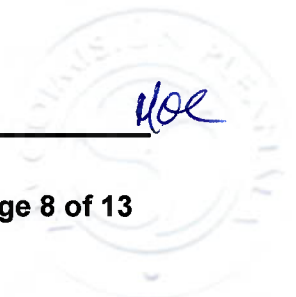
Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

9. 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.

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 interests of public health and surface water management.



11. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. A management scheme providing adequate measures for the future maintenance of communal areas and bicycle parking etc. shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

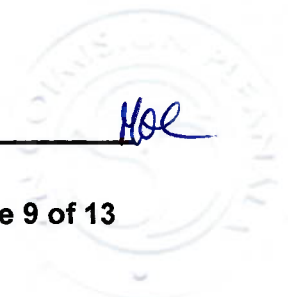
Reason: To ensure the satisfactory completion and maintenance of this development.

12. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted External Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit and shall include lighting of proposed pedestrian link to the southeast of the site.

Reason: In the interests of amenity and public safety.

13. 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 and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.



14. 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.

15. The naming and numbering of the dwelling units 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.

16. 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.

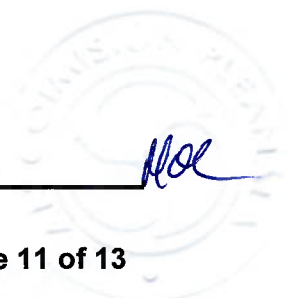


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17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands 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.

18. 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.

19. 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 and maintenance until taken in charge by the local authority 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 or maintenance 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 until taken in charge.

20. The developer shall pay to the planning authority a financial contribution per unit as a contribution in lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.

Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

Marie O'Connor

Marie O'Connor

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this *16th* day of *June* 2026

