



Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2373/25

Appeal by Laura Cavanagh and Real Estate Acquisitions and Sales Limited by Others against the decision made on the 26th day of January 2026 by Dublin City Council to grant, subject to conditions a permission to Real Estate Acquisitions and Sales Limited in accordance with the plans and particulars lodged with the said Council.

Proposed Development: The proposed development comprises the following: Demolition of all existing light industrial one to two storey light industrial buildings on the site (circa 435.73 square metres) and associated boundary wall and fencing along Marrowbone Lane and Forbes Lane. Construction of a five to nine storey residential apartment building comprising 51 number one bed apartment units at ground to 8th floor level ranging in size from circa 45 square metres to circa 58 square metres, and an internal communal amenity space at ground floor level (circa 54.2 square metres). All apartment units are provided with private open space areas in the form of balconies/ terraces. Pedestrian access to the proposed development will be from Marrowbone Lane. The proposal includes the removal of the existing vehicular access point to the site. All units are intended to provide housing for

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independent living for older residents (55 years plus). The development proposes circa 608 square metres of communal amenity open space as two landscaped areas, a courtyard space at ground floor level (circa 370.6 square metres) and a landscaped terrace area at 8th floor roof level (circa 236.96 square metres). The development also proposes associated secure bicycle (51 spaces for residents and 27 spaces for visitors) and bin storage, an ESB substation, generator room, switch room, sprinkler/break tank room, cleaners store, accessible W/C associated with the internal communal amenity space at ground floor level, hard and soft landscaping and all other associated site works and services above and below ground on an overall site of circa 975 square metres., all at 42 Marrowbone Lane, 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

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, and height, and would be in accordance with the requirements of the Dublin City Development Plan 2022-2028. The proposed development 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 18th day of December 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. The development, as revised following the submission of further information on 18th day of December 2025, shall be further amended as follows:
 - (a) Unit 23 on the fourth floor (as referenced on Drawing number PL2004; Date 15th day of December 2025; Proposed Fourth Floor) shall be omitted in its entirety.
 - (b) Unit 35 on the fifth floor (as referenced on Drawing number PL-2005; Date 15th day of December 2025; Proposed Fifth Floor Plan) shall be omitted in its entirety.
 - (c) The seventh floor shall be omitted in its entirety (as referenced on Drawing number PL-2007; Date 15th day of December 2025; Proposed Seventh Floor Plan).

The development hereby approved contains 38 number one bed units with the scheme ranging in height from four storeys to seven storeys. The revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development.

Reason: To protect visual and residential amenity, ensure the building integrates appropriately into the streetscape, and prevent undue impact on neighbouring properties.

3. (a) No material change of use of buildings in the proposed development shall take place without a prior grant of planning permission.
- (b) The occupation of the units on site is restricted to persons aged 55 years and older and which shall not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission.
- (c) The proposed accommodation units shall not be sold to private individuals as habitable dwellings.

Reason: To ensure occupation of the units is restricted to older persons / occupants.

4. The community facility shall be used for purpose's ancillary to the main residential use on the site and shall be managed in accordance with the permitted residential development unless a further permission is granted.

Reason: To clarify the scope of the permission.

5. Details of the materials, colours and textures of all the external finishes shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development. The palette of finishes to the rear elevation shall also be reconsidered with a combination of brick and render, with a greater provision of brick.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. The glazing to all bathroom windows and as otherwise indicated shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

7. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential units.

Reason: In the interests of amenity and public safety.

8. The development shall comply with the following requirements of the planning authority:
 - (a) Prior to commencement of the development, the developer shall submit revised plans and details for the written agreement of the planning authority to provide a 1.8 metre public footpath along the boundary of the site on Forbes Lane unless otherwise agreed with the planning authority.

- (b) Details of the boundary treatment along the eastern boundary in order to prevent ad hoc parking in the open area to the front of the vehicular entrance shall be submitted for written agreement.
- (c) Prior to the completion and occupation of the development, the applicant/developer/operator shall submit a revised Residential Travel Plan for written agreement of the planning authority, which clarifies how the gated access to the in-curtilage vehicular set down area shall be managed to ensure access to service, delivery and drop off/pick up activities.

Reason: In the interest of pedestrian and vehicular safety

- 9. (a) The applicant/developer/operator shall undertake to implement the measures outlined in the Residential Travel Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.
- (b) The proposed accessible car parking space shall be equipped with EV Charging.
- (c) Cycle parking shall be secure, conveniently located, sheltered and well lit. Key/fob access shall be required to resident bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.
- (d) 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.

Reason: In the interest of pedestrian and vehicular safety and to promote sustainable transportation.

10. Prior to the commencement of the development, the applicant/developer shall comply with the following requirements:
 - (a) Agree a methodology with the City Archaeologist for the appropriate conservation and repair of the remains of the Liberty Basin to be retained and displayed.
 - (b) The developer shall retain a suitably qualified license eligible archaeologist to advise regarding the archaeological implications of demolition and construction methodology.
 - (c) The nature, extent, and location of sub-surface archaeological material on the site shall be determined by way of archaeological testing and/or monitoring of site investigation works. Trial trenches shall be excavated to the top of the archaeological deposits only.
 - (d) The developer's archaeologist shall submit their method statement for testing in advance to the planning authority for written agreement.
 - (e) A report containing the results of the archaeological testing shall be submitted on completion to the planning authority. Where archaeological material is shown to be present through testing, a detailed Impact Statement shall be prepared. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the report.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

11. The attenuation and disposal of surface water shall be agreed in writing with the planning authority prior to commencement of development and shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

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

13. Prior to the commencement of the development, the developer shall delineate on a map those areas which are to be taken in charge for the written agreement of the planning authority. In relation to those areas not to be taken in charge a Management Company shall be set up. The Management Company shall provide adequate measure for the future maintenance and repair in a satisfactory manner communal open spaces, refuse and cycle storage and all hard and soft landscaped areas, where not otherwise taken in charge by the Local Authority. The management scheme shall include the community facility, which shall be for the use of residents within the scheme. Any changes to the overall community facility provision shall be agreed within the planning authority prior to the first occupation of the development.

Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

14. 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.

15. Prior to the commencement of development, the developer or any agent acting on its behalf, 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 the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the 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 proper planning and sustainable development.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

17. All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

18. The developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to (a) to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting, sewers and drains. or (b) to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces, street lighting, sewers and drains to the standard required by Dublin City Council. 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 satisfactory reinstatement of the site.

19. 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.

Patricia Calleary

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Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 03 day of June 2026