

An
Coimisiún
Pleanála

Commission Order
PL-500847-DR-26

Planning and Development Act 2000, as amended

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D25A/0925

Appeal by David Dillon against the decision made on the 3rd day of February, 2026 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Máire Callaghan in accordance with plans and particulars lodged with the said Council.

Proposed Development: A new three-storey, flat roof, detached house with roof terrace to the side garden and a new two-storey, flat roof, detached house to the rear garden. Two new vehicular entrances with pillars and gates off Saint Helier's Copse and Stillorgan Park with car parking on site for both houses. General site works, including landscaping, new services and drainage connections, new boundaries to subdivide the site and associated site works, all at site to the side and rear of Saint Helier's, Stillorgan Park, Blackrock, County Dublin.

Decision

GRANT permission for a two-storey, flat roof, detached house (House B) to the rear garden of Saint Helier's, and new vehicular entrance with pillars and gates off Saint Helier's Copse and associated landscaping and associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for a three-storey, flat roof, detached house (House A) with new vehicular entrance with pillars and gates off Stillorgan Park for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the residential land use zoning objective pertaining to the site, as indicated in the Dún Laoghaire-Rathdown Development Plan 2022 - 2028, to the nature, scale and design of proposed House B, to the separation distances between proposed House B and existing neighbouring dwellings, and to the orientation of House B relative to existing neighbouring dwellings, it is considered that, subject to compliance with the conditions set out below, proposed House B would provide a high quality of residential accommodation and associated open space provision for prospective residents, would not adversely impact on the residential amenities of the area by way of overlooking, overbearance or loss of daylight, would not adversely impact on the visual or residential amenities of the receiving environment and would be acceptable in terms of traffic and pedestrian safety and convenience.

Proposed House B would be consistent with national, regional and local planning policies and objectives supporting compact urban growth, densification and intensification of use of existing built-up serviced, zoned lands, including Policy Objective PHP18 and Policy Objective PHP20 in the Dún Laoghaire-Rathdown 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 proposed 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. 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 and to ensure an appropriate high standard of development.

3. All bathroom and en-suite windows shall be fitted and permanently maintained with obscure glass.

Reason: In the interest of residential amenity.

4. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

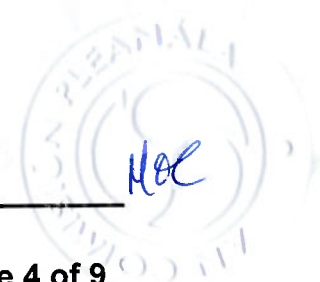
Reason: In the interests of amenity and traffic and pedestrian safety.

5. One carpark space shall be provided for House B which shall be provided with electric connections to the exterior of the house to allow for the provision of a future electric vehicle charging point.

Reason: In the interest of sustainable transportation.

6. Drainage arrangements and the disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details in this regard for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

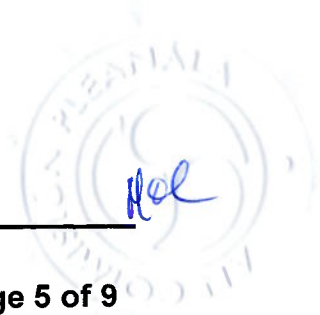


7. Prior to commencement of development, the developer shall enter into connection agreement(s) with Uisce Éireann to provide for service connection(s) to the public water supply and wastewater collection network.

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

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (b) A timescale for implementation, including details of phasing.



All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

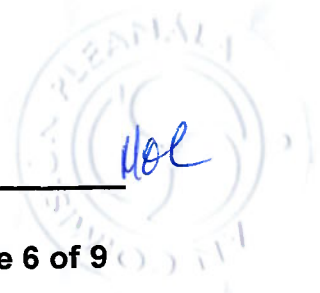
Reason: In the interests of residential and visual amenity.

9. 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.

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 or public holidays. Deviation 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 amenities of property in the vicinity.



11. A finalised Construction Management Plan (CMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, a Resource Waste Management Plan (RWMP), protection of soils, groundwaters and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

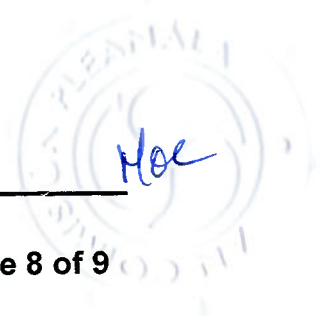
Reason: In the interests of environmental protection, residential amenities, public health and safety and environmental protection.

12. 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 transfer of a (percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or 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.

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 of the area.

13. 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.



Reasons and Considerations (2)

Having regard to the design criteria for residential development, as set out in the Dún Laoghaire-Rathdown Development Plan 2022 – 2028, in particular Section 12.3.1.1, Section 12.3.7.5 and Section 12.3.7.7, and to Policy Objective PHP18 and Policy Objective PHP20 which seek to ensure the residential amenity of existing homes is protected, to the information submitted with the application and the appeal, and having regard to the design and layout proposed, it is considered that the design and siting of proposed House A fails to demonstrate due regard to the amenity of the existing house (Saint Helier's), and in particular given the height of the proposed house and due to the restricted separation distance between the proposed House A and the existing house it would result in overbearance, would impact on daylight and sunlight in rooms serving the existing house and would result in substandard residential amenity for existing occupiers and, as such, would seriously injure the residential amenities of Saint Helier's. Proposed House A would set an undesirable precedent for similar such development and would, therefore, be contrary to the proper planning and sustainable development of the area.



Marie O'Connor

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

Dated this *06th* day of *October* 2026.