



An  
Coimisiún  
Pleanála

Commission Order  
PL-501154-DR-26

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**Planning and Development Act 2000, as amended**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D25A/0578/WEB**

**Appeal** by Maurice and Karen Johnson and by Keelan McGowan, Ruth Nelligan and others against the decision made on the 19<sup>th</sup> day of March, 2026 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Martin and Kathleen Deasy in accordance with plans and particulars lodged with said Council.

**Proposed Development:** Construction of a part single storey part two-storey two-bedroom detached dwelling within the rear garden of the existing house. Alterations to existing house, including part demolition to provide new vehicular access to new property. Alterations to existing vehicular entrance to provide one entrance point for both properties. All associated landscaping and boundary treatment works, drainage, ancillary site works and services, all at 18 Hyde Park, Dalkey, County Dublin, as revised by the further public notice received by the planning authority on the 23<sup>rd</sup> day of February, 2026.

## **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 Dún Laoghaire-Rathdown County Development Plan 2022 - 2028, the zoning of the site for residential purposes, and to the design, layout and siting of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the residential or visual amenities of property in the vicinity, and 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, as amended by the further plans and particulars received by the planning authority on the 23<sup>rd</sup> 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 felling/works, trees and buildings with bat roosting potential shall be surveyed by a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking bat surveys and in line with best practice at the appropriate time of year to confirm the absence of roosting bats. In the event that a previously undetected bat roost is identified and is likely to be disturbed, the applicant shall acquire a derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations 2011 prior to the commencement of the relevant works. Prior to the removal of trees and/or works to building, the bat survey results, methodologies for felling/works and any derogations shall be submitted for the written agreement of the planning authority.

**Reason:** In the interest of protection of bats.

3. The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass shall not be permitted.

**Reason:** In the interest of residential amenity.

4. 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.

5. All rear garden boundaries shall be bounded by block walls, 2.1 metres in height, capped and rendered to the written satisfaction of the planning authority.

**Reason:** In the interests of residential and visual amenity.

6. The width of the proposed widened existing vehicular entrance shall be a maximum of 4.0 metres.

**Reason:** In the interest of orderly development and to prevent a traffic hazard.

7. The parking area serving the proposed residential unit shall be provided with functional electric vehicle charging point/s.

**Reason:** In the interest of sustainable transportation.

8. 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 residential amenities of property in the vicinity.

9. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, a Construction Management Plan which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and amenity.

10. All necessary measures shall be undertaken by the developer to prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works. The developer shall repair any damage to the public road arising from carrying out the proposed works and shall avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during the construction works.

**Reason:** In the interest of orderly development.

11. 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 interest of public health.

12. 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/or wastewater collection network.

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

13. (a) The developer shall implement the Arboricultural drawings, in particular the Tree Protection drawing, in full, retaining and protecting all trees, groups of trees, hedging and shrubs indicated for retention, and shall implement all recommendations pertaining to tree retention, protection and tree works as detailed in the Protection Plan.

- (b) Prior to the commencement of any works on site, all trees, groups of trees, hedging and shrubs to be retained shall be enclosed within stout tree protection fencing in accordance with BS 5837:2012 and the Tree Protection drawing. This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum a radius of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed. No construction equipment, machinery or material shall be brought onto the site for the purpose of the development until all trees to be retained have been protected by this fencing.
- (c) No work shall be carried out within the area enclosed by this fencing, and in particular there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained.
- (d) Prior to commencement of development, the developer shall engage the services of an independent, qualified Arborist for the entire period of construction activity. The Arborist shall submit photographs and written confirmation that the protective fencing meets BS 5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations" for the written agreement of the planning authority, prior to commencement.
- (e) The Arborist shall visit the site at a minimum on a monthly basis, or as otherwise deemed appropriate, to ensure implementation of all recommendations in the tree reports and plans. All works on retained trees shall comply with proper Arboricultural techniques conforming to BS 3998:2010 "Tree Work – Recommendations".

- (f) The clearance of any vegetation, including trees and scrub, shall be carried out outside the bird breeding season (1<sup>st</sup> day of March to the 31<sup>st</sup> day of August inclusive), or as otherwise stipulated under the Wildlife Acts 1976 and 2000.
- (g) The Arborist shall carry out a post-construction tree survey and assessment of the condition of the retained trees and shall sign off a completion certificate confirming that all permitted development works are completed in accordance with the recommendations of the tree report. This certificate shall be submitted to the planning authority for written agreement upon completion of works.

**Reason:** To protect trees and hedgerows during the construction period in the interest of visual amenity, and to ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

14. 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.



**Marie O'Connor**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 07<sup>th</sup> day of August 2026.