



An
Coimisiún
Pleanála

Commission Order
PL-501458-DR-26

Planning and Development Act 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D26A/0197/WEB

Appeal by Alan and Caitriona Foy and Cormac Allen (Tivoli Road Residents) against the decision made on the 5th day of May, 2026 by Dún Laoghaire-Rathdown County Council to grant, subject to conditions, a permission to Atria Living Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Amendment permission to the permitted residential development granted under Dún Laoghaire-Rathdown County Council Register Reference D21A/1137 (An Bord Pleanála Reference ABP-314896-22) at this circa 0.0849 hectare site at Tivoli Lodge. The permitted site area has decreased in area from circa 0.086 hectare to circa 0.0849 hectare. The development will principally consist of: an increase in the number of apartment units from eight number units (four number one-bed units, three number two-bed units and one number three-bed unit) to 13 number units (nine number one-bed units and four number two-bed units) through the rationalisation of the permitted floors plans, the change of use of the two number storey live-work two-bed unit at lower ground floor level, and an increase in floor area at

lower ground floor level. The gross floor area of the development has increased from circa 705 square metres to circa 831 square metres. The development will remain as a part two number to part three number storey building over lower ground floor, with the maximum height increasing by circa 0.6 metres. The development will also consist of: general elevational and façade changes; the provision of resident's access along Tivoli Road and York Road to facilitate access to lower ground floor units; landscaping; and all other associated site works above and below ground, all at Tivoli Lodge, Tivoli Road, Dun Laoghaire, County 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

Having regard to the zoning objective for the site as set out in the Dún Laoghaire Rathdown Development Plan 2022-2028, the National Planning Framework First Revision (2025), the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024, the Design Standards for Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July, 2025, and the overall scale, design and height of the proposed development which consist of amendments to appeal reference ABP-314896-22, it is considered that, subject to compliance with the conditions set out below, the proposed amendments including the increased height of the development would not

seriously injure the residential or visual amenities of the area or of property in the vicinity, would provide for an acceptable standard of residential amenity for future occupants, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. 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, and the applicants response to third party appeals received by An Coimisiún Pleanála on the 29th day of June 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission ABP-314896-22 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. This permission shall expire on the 23rd day of May 2029, in line with ABP-314896-22.

Reason: In the interest of clarity and to ensure the timely completion of development, in the interest of the proper planning and sustainable development of the area.

4. Each apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interest of residential amenity and to limit the scope of the development to that for which the application was made.

5. (a) All drainage related conditions and obligations of the parent permission reference ABP-314896-22 shall apply.
- (b) Additional rainwater planters shall be provided at roof level, as detailed in the planning application. The surface water runoff generated by the development shall not be discharged to the public sewer but shall be discharged locally to the proposed raised rainwater planters as indicated in the application. The proposed raingarden shall be designed and constructed in accordance with the recommendations of the SuDS Manual (CIRIA C753) and best practice guidelines.

Reason: In the interests of public health and sustainable drainage.

6. All transport related conditions and obligations of the parent permission shall apply. The following shall be complied with in full:
- (a) The applicant shall provide a minimum of 13 number secure, covered long stay (resident) cycle parking spaces required in accordance with Dún Laoghaire-Rathdown County Council's Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018) as the standards preferred 'Sheffield' stand design, with the additional minimum four number secure, covered long stay (resident) cycle parking spaces required in accordance with the recent Sustainable Residential Development Compact Settlement Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024 - Section 5.2.5 Bicycle Parking and Storage SPPR 4 – Cycle Parking and Storage.
 - (b) The proposed development shall include electrical infrastructure/ducting to every parking space to allow their future upgrade to Electric Vehicle Charging Spaces.

Reason: In the interests of traffic and pedestrian safety and orderly development.

7. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

8. 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.

9. 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.



Mick Long

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

Dated this *5th* day of *October* 2026