



An
Coimisiún
Pleanála

Commission Order
PL-501459-DN-26

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: 5067/26

Appeal by Elizabeth and Noeleen Higgins against the decision made on the 8th day of May, 2026 by Dublin City Council to grant subject to conditions a permission to Barry Higgins in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey flat roof extension at the rear/side, alteration to existing gable window and formation of additional gable wall windows, new vehicular entrance driveway and front boundary wall and piers, dishing of existing kerb and all associated works, all at 67 Bargy Road, East Wall, 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 provisions of the Dublin City Development Plan 2022-2028, including Appendices 5 and 18, the nature, scale, and location of the proposed rear extension and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, or the visual amenity of the area, 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, 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 two number north-west facing first floor hallway windows shall be of obscure glazing and permanently maintained as such.

Reason: To protect residential amenity.

3. 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.

4. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

5. The external finishes to the proposed extension shall harmonise with the existing house in respect of materials and colour.

Reason: To protect existing visual amenities.

6. The developer shall comply with the following requirements:
- (a) The vehicular entrance shall be a maximum of three metres in width and shall not have outward opening gates.
- (b) The footpath and kerb shall be dished and entrance provided to the requirements of the planning authority.

- (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the proposed development, shall be at the expense of the developer.

Reason: In the interests of pedestrian and traffic safety.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays, inclusive, between 0800 to 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.

8. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and Open Sites Part 1 Code of practice for basic information and procedures for noise control.'

Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity.

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.

Note

The Commission did not agree with the planning authority, or the Inspector, that the width and depth of the rear extension (as originally applied for) would seriously impact the residential amenity of the adjoining properties or present difficulties accessing the applicant's rear garden. The Commission was mindful that reducing the dimensions of the first floor bedrooms (in particular) would have significantly reduce the residential amenity of future occupants.



Declan Moore

Planning Commissioner of An Coimisiún

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

Dated this 6th day of October 2026.