

An
Coimisiún
Pleanála

Commission Order
PL-501537-DR

Planning and Development Act 2000, as amended

Planning Authority: Dun Laoghaire-Rathdown County Council

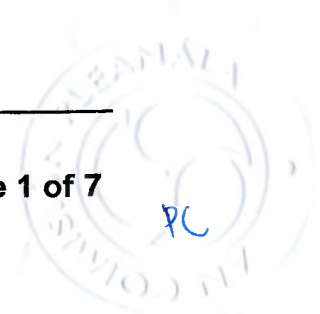
Planning Register Reference Number: D25B/0675/WEB

Appeal by Frank Miller and Ena Prosser against the decision made on the 20th day of May, 2026 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Martin Whelan and Deirdre Whelan in accordance with plans and particulars lodged with the said Council.

Proposed Development: A 45-square-metre garden studio retreat containing a home gym/studio and office together with all associated site works, all at 17 Maretimo Gardens East, Blackrock, 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 provisions of the Dun Laoghaire-Rathdown County Development Plan 2022–2028, including the Objective A zoning, Section 12.3.7.4 relating to detached habitable rooms, and the scale, design 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 residential amenities of adjoining properties or the character or visual amenities 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, as amended by the further plans and particulars received by the planning authority on the 27th day of April, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, details of the height and materials of the proposed boundary screening along the side of the terraces adjoining number 16 and number 18 Maretimo Gardens East shall be submitted to, and agreed in writing with, the planning authority. The agreed screening shall be erected prior to the first use of the garden studio and terraces and shall, thereafter, be permanently retained.

Reason: In the interest of residential amenity and to protect the privacy of adjoining property.

3. The garden studio shall be used solely for purposes ancillary to the enjoyment of the dwellinghouse and shall not be used for human habitation or for any commercial purpose. It shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: In the interest of residential amenity and the proper planning and sustainable development of the area.

4. Site development and building works shall be carried out 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 agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

5. Site development and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

6. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. The following biodiversity requirements shall be complied with in full:

(a) A pre-clearance ecological site walkover survey and memo for protected species, including bats and non-volant mammals shall be carried out and prepared by a suitably qualified ecologist and bat specialist. Areas of dense scrub and undergrowth shall be thoroughly searched. The ecological memo shall be provided to the Biodiversity Officer five weeks prior to vegetation clearance, with appropriate measures being implemented should any protected species be found.

(b) Vegetation clearance shall not take place during the bird breeding season (1st day of March – 31st day of August). Vegetation shall be removed in sections working in a consistent direction to prevent entrapment of protected fauna potentially present (for example hedgehog).

- (c) Construction and site access routes shall adhere to the specifications outlined in the Appropriate Assessment Screening Report. Any changes to the proposed construction methods or site access routes shall require an assessment by a suitably qualified ecologist to determine if reassessment is required. The planning authority (Biodiversity Officer) shall be notified of any changes in the specifications of construction works or site access routes five weeks prior to commencement of construction works.
- (d) Trees identified to be felled shall only be permitted once agreed with the planning authority and left intact on the ground for a period of at least 24 hours to allow any bats, if present, to escape and, if possible, they shall be felled during the months of September or October when bats are not hibernating and still capable of flight.

Reason: To ensure the protection of biodiversity and protected species.

- 8. The following requirements of Iarnród Éireann shall be complied with in full:
 - (a) The developer shall notify Iarnród Éireann of the commencement date of the proposed development and shall ensure that any third-party working near the railway does not pose a danger or hazard to railway operations.
 - (b) Should the proposed development require the use of a crane that could swing over the railway property, then the developer shall notify Iarnród Éireann prior to same and enter into an agreement with Iarnród Éireann/C.I.É. regarding this issue.

- (c) No overhang of any part of the proposed development over the railway property shall be allowed.
- (d) No deciduous trees shall be planted directly along the railway boundary as they can impair the vision of train drivers or their views of signals, etc. and can adversely affect the operation of trains by causing poor wheel/rail adhesion.

Reason: In the interest of railway safety, and to protect the amenities of the area.

- 9. A Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

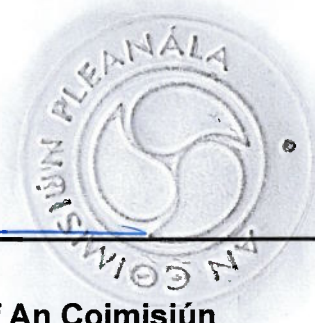
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Paul Caprani

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



Dated this 15th day of September, 2026.