



An
Coimisiún
Pleanála

Inspector's Report PL-500182-DR

Development	Retention permission for amendments to development permitted under Ref. D21A/0869 (ABP Ref. 312286-21)
Location	14A/15A, Monkstown Crescent, Monkstown, Blackrock, Dublin, A94X0P0
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0517/WEB
Applicant(s)	Better Value Unlimited Company
Type of Application	Retention
Planning Authority Decision	Split Decision
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Dave Quinn Longford Terrace Residents Assoc.
Observer(s)	Karen Hehir Green Property
Date of Site Inspection	12 th February 2026
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.58 ha is located on a large corner site at the junction of Monkstown Crescent and Link Road in an established neighbourhood centre area in south Dublin and comprises a two-storey end of terrace building with a pitched roof profile on the western side of the building and flat roof profile on the eastern side of the building. The area is characterised by commercial / retail shops and restaurants together with residential dwellings of varying style and appearance.
- 1.2. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Retention permission is sought for amendments to the development previously permitted under Ref. D21A/0869 (ABP Ref. 312286-21). The development includes:
 - 1) Amendment to the rear of the building including a reduced curved roof and higher rear elevation wall and set back of the north elevation of the building by 6.3 metres from the boundary of house number 15a Longford Terrace. The permitted set back was 5 metres. The gross floor area of the overall property has reduced from 583sqms to 573sqms.
 - 2) Replacement of window with a door at the front elevation.
 - 3) The installation of a rear access ladder providing access to the green roof.
 - 4) All works carried out and any work required to complete the development.
- 2.2. The application was accompanied by the following:
 - Engineering Services Report & Flood Risk Assessment - Revised for Retention Permission Based on As-Constructed Drawings
 - Drainage Layout & Report
 - Architectural Heritage Impact Assessment
- 2.3. In response to a request for Further Information (FI) the applicant submitted the following, as summarised, on the 5th September 2026:

- Separation Distance with No.15a Longford Terrace - It can be confirmed that the distance between the rear wall of the Dunnes Stores and the boundary wall of No.15a is 5m as it was in the original planning permission. The set back of the rear wall of remains as it was in the permitted application.
- Reduction in Gross Floor Area (GFA) - The figure stated in the notices is correct. The decrease in GFA is due to constructed wall thickness being 500mm.
- Pedestrian Access - The rear yard access is for emergency use (fire escape) and not for regular pedestrian/customer entry.
- Roof Ladder - Proposed to allow safe access for maintenance to the green roof.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dun Laoghaire Rathdown County Council (DLRCC) issued a notification of split decision on 1st October 2025 to **refuse retention permission** for the retention of the rear access ladder providing access to the green roof to the rear of the building and **grant retention permission** for the retention of the amendment to the rear of the building including a reduced curved roof and higher rear elevation wall and set back of the north elevation of the building by 6.3 metres from the boundary of house number 15A Longford Terrace, reduced floor area from 583sqm to 573sqm and the retention of the replacement of window with a door at the front elevation,

3.1.2. The **reason for refusal of retention permission** of the rear access ladder is as follows:

The proposed retention of the external ladder on the rear elevation of the building would be visually obtrusive and would adversely affect the character and architectural integrity of the surrounding Monkstown Architectural Conservation Area. It is considered to be contrary to Policy Objective HER13 and Section 12.11.3 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Accordingly, to permit the retention of the external rear ladder would be contrary to the proper planning and sustainable development of the area.

3.1.3. The grant of permission for the remainder of works proposed was subject to 3 no conditions summarised as follows:

1.	<p><i>The development in its entirety shall be retained in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.</i></p> <p>Reason: <i>In order to clarify the details of the development being permitted and in the interest of proper planning and sustainable development.</i></p>
2.	<p><i>This permission authorises the subject development as outlined in the public notices and does not relate to any other development not subject of this application whether or not such development would otherwise constitute exempted development.</i></p> <p>Reason: <i>To clarify the extent of this permission.</i></p>
3.	<p><i>The development shall comply with the conditions of the parent permission D21A/0869 (ABP Ref. 312286-21) unless the conditions set out hereunder specify otherwise.</i></p> <p>Reason: <i>In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</i></p>

3.2. Planning Authority Reports

3.2.1. Planning Reports

- **Case Planner** – In their first report and having considered the scheme recommended that further information (FI) be sought as follows (as summarised). FI was requested on the 22nd August 2025.
 - 1) Clarify how additional separation distances between the gable wall of No. 15A Longford Terrace and the rear (north) elevation of the proposed building have been achieved.
 - 2) The reduction in GFA to be clarified noting the footprint of the building would not appear to have been altered.

3) Clarification that the 'pedestrian access' from the rear yard are solely for the purposes of fire escape and that rear access to the yard would be a pedestrian emergency exit only.

- **Case Planner** – In their second report and having considered the FI submitted recommended a split decision refusing permission for retention of the proposed rear ladder and granting permission for reduced curve roof and replacement of window with a door at the front elevation subject to conditions. The notification of decision to issue a split decision by DLRCC reflects this recommendation.

3.2.2. Other Technical Reports

- **Transport Planning** – No objection.
- **Drainage Planning** - No objection subject to compliance with a condition requiring that all drainage-related conditions and obligations of the parent planning permission D21A/0869 (ABP Ref. 312286-21) shall apply.
- **Conservation Division** – Noted that the site is within the Monkstown Architectural Conservation Area (ACA) included in the Dun Laoghaire Rathdown County Council Development Plan 2022-2028. Considered that the previously permitted elevational treatment to Monkstown Crescent superior to that proposed/constructed and do not support the retention of changes to the front elevation. The installation of a rear access ladder is not supported as it is deemed to be visually distracting and would set a poor precedent. Recommended a split decision.

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. There are 13 no third-party submissions recorded on the planning file that may be summarised as follows:

- Application is a material contravention of original planning permission, retention works are not 'minor and insignificant', drawings submitted are incorrect, negative impact on residential amenity by way of overlooking, overshadowing and

overbearance, ladder has negative visual impact from residential dwellings of Longford Terrace, no detail on usage of green roof, incompatible scale and character, development clashes with the architectural heritage / historic aesthetic of Monkstown Village, no designated space for delivery vehicles, inadequate drainage, unauthorised works and planning enforcement issues, precedent, non-compliance with Development Plan objectives and requested that building is demolished.

4.0 Planning History

4.1. There was a previous planning appeal on this site that may be summarised as follows:

- **ABP-312286-21 (Reg Ref D21A0869)** – DLRCC refused planning permission for extension and refurbishment of the existing two-storey building to provide c.400 sqm of retail floorspace at ground floor (including ancillary off-licence and café) with storage and ancillary facilities to be located at first floor level at a corner site at the junction of Monkstown Crescent roadway to the front (south), and Longford Terrace roadway ('Link Road') to the east side for the following 2 no reasons as summarised.
 - 1) The scale of retail floorspace and ancillary uses, would not represent a balanced approach to development in the neighbourhood centre, would impact unduly on surrounding residential and visual amenities, and would be contrary to the 'NC' Neighbourhood Centre zoning objective at this location.
 - 2) The development, would constitute overdevelopment of this site, would be visually overbearing, would adversely affect the character of the Monkstown ACA and would be contrary to Policy AR12 (Architectural Conservation Areas).

Following a third-party appeal to An Bord Pleanála the development was granted planning permission subject to 14 no conditions.

4.2. I note from the DLRCC Case Planners report that there is an Enforcement File open on the site, (ENF 07425 refers). I also note that there were several planning

compliance submissions made regarding the above application Reg. Ref. D21A/0869 (ABP-312286-21) as follows:

D21A/0869/C1	Deemed non-compliant with Condition 2 of the granted permission relating to the construction management plan.
D21A/0869/C2	Deemed compliant with Condition 4 of the granted permission relating to external signage.
D21A/0869/C3	Deemed compliant with Condition 8 of the granted permission relating to materials and finishes.
D21A/0869/C4	Deemed compliant with Condition 2 of the granted permission relating to construction management plan.
D21A/0869/C5	Deemed compliant with Condition 5 of the granted permission relating to external shutters.
D21A/0869/C6	Deemed compliant with Condition 11 of the granted permission relating to paving and external lighting.
D21A/0869/C7	Deemed non-compliant with Condition 12 of the granted permission relating to waste management

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the **Dún Laoghaire-Rathdown County Development Plan 2022 – 2028**. The appeal site is on lands zoned “NC” where the objective is *'to protect, provide for and/or improve mixed-use neighbourhood centre facilities'*. The site is also located within the boundary of the **Monkstown Architectural Conservation Area (ACA)** and the proposed Dun Laoghaire and Environs Local area Plan as identified in the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

5.1.2. The relevant policies and objectives in this case are set out as follows:

5.1.3. Policy Objective HER13: Architectural Conservation Areas

- i. *Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).*
- ii. *Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.*
- iii. *Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.*
- iv. *Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.*
- v. *Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.*

5.1.4. Section 12.11.3 Architectural Conservation Areas (ACAs)

The guiding principle of ACAs is to protect the special external expression of the buildings and the unique qualities of the area to ensure future development is carried out in a manner sympathetic to its distinctive character.

5.1.5. Section 12.11.4 New Development within an ACA

A sensitive design approach is required for any development proposals in order to respect the established character and urban morphology. Where development is appropriate, the Planning Authority are supportive of contemporary design that is complementary and sympathetic to the surrounding context and scale. All planning applications for development within an ACA shall have regard to the following criteria:

- i. *All developments within an ACA should be site specific and take account of their context without imitating earlier styles. New developments should be to a high standard of design and should have a positive contribution to the character of the ACA.*
- ii. *Demolition of structures that contribute to the streetscape character will not normally be permitted. Where demolition is proposed a key consideration is the*

quality of any replacement structure and whether it enhances/contributes to the ACA

- iii. Where proposals include modifications and/ or alterations, extensions, or roof alterations affecting structures within an ACA, these should be sensitively designed and sited appropriately, generally subsidiary to the main structure, and not constitute a visually obtrusive or dominant form of development, which would be detrimental to the character of either the structure, or its setting and context, within the ACA.*
- iv. When considering development of a site within an ACA (including back/and sites), proposals should be sympathetic to the existing character of the area and reflect or refer to the established environment in terms of design, massing, scale, established plot layouts and their relationship to historic streetscape pattern.*
- v. The Council will seek to encourage the retention of original features where appropriate, including windows, doors, renders, roof coverings, and other significant features of buildings and structures or otherwise whilst simultaneously encouraging a continued diversity of sensitively scaled contemporary and energy efficient designs.*

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. There are 2 no third party appeals on file from (1) Dave Quinn and (2) Longford Terrace Residents Association that included detailed supporting sections and appendices. The issues raised may be summarised as follows:

6.1.2. Dave Quinn

- Retention to be refused and order to reinstate that permitted to be issued
- Errors regarding what has been constructed and what was previously approved

- Applicant attempting to ignore, circumvent and compromise its responsibility to adhere to the planning process
- Retention application is inaccurate and / or incomplete
- Reference to “all works carried out and any work required to complete the development” in the development description could be interpreted that if retention is granted, that any and all variations from that permitted, not merely this listed in this application, will be afforded planning permission.
- The submission by Green Properties lists numerous errors that should be cause for this application to be rejected. The applicant’s errors combine to mislead as to the nature of what was approved and what was constructed.
- Agree with the submission of Longford Terrace Residents Association.
- Absence of controls specified regarding the odour and noise arising from this development and the absence of conditions in prior approval decisions.
- The setting aside of parking considerations is concerning.
- Inadequate wastewater facilities with serious odours arising on the Link Road.
- An approval of this retention application would undermine the fragile planning development process.

6.1.3. **Longford Terrace Association**

- Requested that decision to grant permission is overturned
- Multiple examples where the applicant has ignored planning law or contractual obligations
- It is a criminal offense to construct a building that materially departs from the approved plans
- It is a criminal offence to knowingly provide false or misleading information to a planning authority
- DLRCC have given permission for a roof that is not the shape as per the drawings submitted and therefore the roof remains unauthorised. The roof to be retained is flat and not curved.
- The Coimisiún is asked to investigate how many planning violations have occurred, refer the matter to the Gardai for investigation as per the Act and recognise that granting permission would be reckless in the extreme.

- Requested that should the Commission consider granting permission that they first correct the serious legal and professional error made in its previous handling of the case (ABP-312286-21 refers). A full list of the violations identified is provided along with Architects Report.

6.2. Applicant Response

6.2.1. The First Party response to the 2 no third-party appeals has been prepared and submitted by TBP Planning and Development Consultants a below may be summarised as follows:

- **Planning History** – Summary of compliance conditions as per development permitted under ABP-312286-21 (Reg Ref D21A/0869) and agreement with DLRCC submitted.
- **Warning Letter** – Issued on 19th March 2025 re breach of Condition No 1 relating to the green roof design, increase in height of the rear wall and replacement of front window with a door together with other items. It was the applicants view that the changes to the curved roof and the fire door were within the scope of the planning permission. DLRCC did not agree and directed the applicant to regularise the planning status of the development accordingly. The current application was therefore lodged on the 1st July 2025.
- **D25A/0517/WEB** – The planning notices contained an error regarding set back of the building. The correct distance from the boundary wall of No 15A Longford Terrace and the rear wall of the building is 5m. This was corrected by way of FI. The stated reduction in GFA relates to internal floor space due to the constructed external wall thickness increasing. The rear ladder is introduced to ensure compliance with Part M of the Building Regulations. There was no intention to mislead the Planning Authority.
- **Immaterial deviations** – Such deviations from the permitted plans are recognised in law and therefore the internal deviations from the plans have no material impact on the amenity of the neighbouring properties.
- **Planning Authority Assessment** – The planning application was appropriately assessed, the planning authority had regard to the relevant objectives of the Development Plan, submission, internal reports and other material information. It

concluded that the two main material changes complied with the proper planning and sustainable development of the area. The ladder was excluded and is not being pursued. The applicant will look at other methods of accessing the roof.

- **Material Deviations** – The Commission is tasked with considering the content of the planning application only. Should other matters arise that are subject of actions of DLRCC, the applicant will address them promptly as they have done here.
- **Monkstown ACA** – The site is located within this ACA. The current proposal seeks modest amendment to the permitted design. Notwithstanding the concerns raised by the DLRCC Conservation Division the Planning Authority concluded that the front elevation amendments would not detract from the amenities of the area and would comply with the Development Plan.
- **Residential Amenity** – The proposed development does not materially alter the height, scale, layout or massing of the development approved. The changes relate only to the rear roof / wall and replacing a window with a fire exit. The proposal does not create overlooking or overbearing impacts.
- **Odour & Noise** – These issues were fully assessed under the parent permission.
- **Parking** – The development does not introduce any new parking or traffic issues requiring assessment.
- **Drainage** – The current proposal does not introduce any new drainage concerns.
- **Conclusion** - Requested that permission be granted for the amendments.

6.2.2. The response was accompanied by the following:

- Comparative plans (permitted vs compliance)
- Letter from Architect
- DLRCC letter from Planning Enforcement
- Information regarding Green Roof Design
- Fire Door Report

6.3. Planning Authority Response

6.3.1. None

6.4. Observations

6.4.1. There are 2 no observations recorded on the appeal file from (1) Karen Hehir and (2) Green Property. The issues raised may be summarised as follows:

- Serious planning compliance failures
- The as constructed building bears little relation to that permitted
- Substantial number of unauthorised works have been carried out
- Legally unsound and procedurally unsafe for ACP to grant retention
- False and misleading statements and contained in the application constitute criminal offences under the Planning and Development Acts
- Requested that the case is allocated Emer Maughan, Planning Commissioner, An Coimisiún Pleánala
- Failures of DLRCC to permit piecemeal approach to retention
- Loss of privacy to Longford Terrace and Monkstown Crescent
- No need for a permanent ladder
- Precedent

6.5. Further Responses

6.5.1. None

7.0 Assessment

7.1. This assessment is based on the plans and particulars submitted on 1st July 2025, as amended by plans and particulars submitted on 5th September 2025 by way of FI together with plans and particulars submitted in the course of the appeal.

7.2. I note the lengthy and detailed concerns raised in the appeals and observations regarding non-compliance with the previous grant of permission on this site, under ABP-312286-21 (Reg Ref D21A/0869). Any development that requires planning permission or a development which is in breach of the conditions of its planning permission is classed as 'unauthorised development'. Local authorities (city or county councils) are responsible for the planning system, and their role includes enforcement relating to breaches of planning legislation and taking action on unauthorised

development. The matters raised are not for the consideration of the determination of the Commission in this instance. As stated by the Case Planner, *and for the avoidance of doubt, only the works which are described in the public notices (above) will be assessed by the Planning Authority or the Commission on appeal as in this case.*

7.3. “Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle
- Curved Roof
- Set Back & Gross Floor Area
- Front Elevation
- Rear Access Ladder
- Public Notices
- Other Issues

7.4. Principle

7.4.1. Under the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the appeal site is located on lands zoned 'NC', which seeks to 'protect, provide for and-or improve mixed-use neighbourhood centre facilities'. *Neighbourhood Shop* use is permitted in principle under this zoning objective.

7.4.2. As set out in Section 4.0 Planning History of this report above, the site benefits from planning permission. The Board granted planning permission July 2023 for the refurbishment and extension of the two-storey old coach house building featuring c. 400 sq. m of retail space at ground floor level, which includes an ancillary off-licence and a cafe kiosk with optional outdoor seating subject to conditions (ABP-312286-21 / Reg Ref D21A/0869 refers). As noted on day of site inspection works have commenced on site and appear to be substantially complete.

7.4.3. Having regard to the nature of works proposed to be retained, that are explicitly related to the permitted development there are no objections, in principle to the works to be

retained. This is subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance

7.5. Curved Roof

- 7.5.1. The development permitted under ABP-312286-21 (Reg Ref D21A/0869) included a curved rear gable. Permission is now sought to retain rear elevational changes regarding the curved roof. The applicant submits that a reduction on the curvature of the rear roof on the north elevation is required to support the installation of a green roof. The applicant submits that the changes are a necessary technical development to ensure the proposal as permitted will be sustainable while maintaining the desired effect.
- 7.5.2. The proposed green roof installation to the flat roof areas has remained per the permitted development. The change has resulted in an increase in the height of the northern elevation adjacent to No. 15A Longford Terrace. There are no windows directly overlooking the property and the 2-storey element of the existing building is located immediately opposite the gable end of No. 15A Longford Terrace and its 2.6m side wall. Whilst higher, the rear wall is not overbearing, and I am satisfied that it does detract from the amenity of No.15A to a material degree beyond the impacts of the permitted rear elevation and curve. Further the impact of the higher gable wall will have no significant negative impact on the character of the ACA or residential amenity of adjoining properties.
- 7.5.3. Overall, I am satisfied that there are no additional overlooking or overbearing impacts from that already permitted. Accordingly, the reduced curved roof and higher rear elevation wall is acceptable and that to permit same will not have a significant or detrimental impact on the visual or residential amenities of adjoining properties or the character of the wider Monkstown ACA.

7.6. Set Back & Gross Floor Area

- 7.6.1. The public notices state that the amendments to the rear of the building include "*set back of the north elevation of the building by 6.3 metres from the boundary of house number 15A Longford Terrace.*" It is stated in the application that the additional set back allows for fire tender access and pedestrian access. The development permitted

under ABP-312286-21 (Reg Ref D21A/0869) provided a separation distance of 5 m between the rear elevation of the proposed building and the shared boundary with No. 15A Longford Terrace.

7.6.2. However as pointed out by the Case Planner in their first report there were some discrepancies in this current appeal between the public notices, and the plans and particulars submitted whereby the set back from the shared boundary with No. 15A Longford Terrace has been maintained at 5 m. As it appeared that the increased separation distance to be retained informed the overall reduction in GFA from 583sqm to 573sqm the accuracy of the amended GFA was also queried. Following a request for FI seeking clarity on these discrepancies together with clarification that rear access to the yard would be a pedestrian emergency exit only the applicant submitted that

- Set Back - The distance between the rear wall of the Dunnes Stores and the boundary wall of No.15A is 5m as it was in the original planning permission. The reference to 6.3m is the distance between the gable wall of No.15A and the rear wall of Dunnes Stores. In this regard, the set back of the rear wall of Dunnes Stores remains as it was in the permitted application.
- GFA - The figure stated in the notices is correct and is due in the main to constructed wall thickness being 500mm and not 415mm as indicated in permitted plans and compliance with Part M.
- Rear Access – The rear yard access is for emergency use (fire escape) and not for regular pedestrian/customer entry.

Overall, I am satisfied that there are no additional overlooking or overbearing impacts from that already permitted. Accordingly, the increased set back from the boundary of No 15A Longford Terrace and reduction in overall GFA is acceptable and that to permit same will not have a significant or detrimental impact on the visual or residential amenities of adjoining properties or the character of the wider Monkstown ACA.

7.7. Front Elevation

7.7.1. The Applicant is seeking to retain changes the front elevation, specifically the western end of the elevation immediately adjacent No. 13A Monkstown Crescent. The development permitted under ABP-312286-21 (Reg Ref D21A/0869) provided 1 no.

window and 1 no. door with a proposed recessed seating area in front of the window on the front elevation adjacent No. 13A Monkstown Crescent with the west side of the front elevation was to be finished with new charred timber cladding. The changes to be retained comprise the replacement of a window with a door on the front elevation. The applicant states that the change facilitates a Fire Exit Door arising from the requirement to meet fire safety regulations under Part B of the Building Regulations to provide an additional escape door from the ground floor retail space to the front exterior of the development. It is noted from the plan and particulars submitted, and as observed on day of site inspection that these amendments have resulted in a reduction in the timber cladding to this area and the removal of the recessed seating area.

7.7.2. I note the third-party concerns that the changes to be retained diminish the architectural quality and visual interest of the building's frontage by reason of the creation of a blank façade. I further note that the DLRCC Conservation Division has expressed concern that the permitted elevation treatment was of a higher architectural quality than that which has been constructed and that which is to be retained would erode the architectural expression of the building and diminish its contribution to the established character of the streetscape.

7.7.3. While the change from window to fire exit door is a departure from that permitted and will, by its very nature alter the architectural expression of the façade I do not agree that such an amendment is detrimental to the overall building or character of the streetscape. I agree with the Case Panner that the change to overall activation of the street is minimal when taken in the context of the entire street. I consider that what is to be retained is consistent with the overall architectural treatment of the building and that same will not detract from the character of the streetscape or the wider Monkstown ACA and is therefore acceptable.

7.8. **Rear Access Ladder**

7.8.1. In addition to the retention of set back and reduced GFA the applicant also sought retention for the installation of a rear access ladder to provide maintenance access to the green roof. The development permitted under ABP-312286-21 (Reg Ref D21A/0869) did not provide for roof access.

- 7.8.2. The roof ladder is proposed to allow safe access for maintenance to the green roof. The applicant submitted by way of FI that this is the safest available means of accessing the roof and was the applicants preferred option for reasons of safety and efficiency. The Case Planner raised concerns that the location of the access ladder could give rise to potential nuisance impact on the quality of residential amenity for No. 15A Longford Terrace. DLRCC Conservation Division considered the installation to be visually obtrusive and that it detracts from the character and architectural integrity of the surrounding ACA. The Case Planner recommended that the rear ladder be refused as it was contrary to Policy Objective HER13: Architectural Conservation Areas. The full wording of this policy is set out in Section 5.1 Development Plan above. The refusal to permit retention of the ladder was not appealed by the applicant.
- 7.8.3. As documented, this is a sensitive urban location within the Monkstown ACA and where all aspects of this development require careful scrutiny. However, having visited the site, it was evident that the location of the this ladder is not readily visible from the street. While it may be visible from the rear of properties along Longford Terrace to the north and indeed No 15A Longford Terrace to the east I do not consider that to permit same would of itself detract from the architectural character or visual amenities of the area or be so detrimental on grounds of visual impact as to warrant a refusal. With regard to impact to residential amenity by reason of nuisance the applicant has stated that the ladder is necessary to provide safe access for maintenance of the green roof. I consider this to be a reasonable requirement for a building of this nature and that to permit same would not detract from the residential amenity of the area to such an extent that would warrant a refusal.
- 7.8.4. Having regard to Policy Objective HER13: Architectural Conservation Areas I am satisfied that the retention of this maintenance ladder would not detract from the character of Monkstown ACA by reason of its scale and location and that to permit same would not be contrary to this policy. It is recommended that this reason for refusal is set aside and that retention permission is granted for the retention of this rear maintenance ladder.

7.9. Public Notice

7.9.1. The development description as set out in the public notices includes reference to “*all works carried out and any work required to complete the development*”. The appellant raises concerns that this could be interpreted that if retention is granted and that if there are other variations from that permitted, not merely those set out in this application that they could be afforded planning permission under this catch all phrase. To ensure there is no ambiguity in this regard it is recommended that a conditions, similar to Condition No 2 and 3 as attached by DLRCC, be attached stating that the This permission authorises the subject development as outlined in the public notices only and also requiring that the development comply with the conditions of the parent permission.

7.10. Other Issues

7.10.1. **Allocation to Commission** – I note the observers request that the case be allocated Emer Maughan, Planning Commissioner, An Coimisiún Pleánala. This request is out with the remit of this appeal.

7.10.2. **Odour & Noise** - I agree with the applicant that third party concerns in relation to noise and odour are not material to this application having regard to the nature of the development proposed. Any matters relating to non-compliance with the previously permitted scheme is a matter for DLRCC.

7.10.3. **Access & Parking** - I agree with the applicant that the scheme before the Coimisiún the does not introduce any new parking or traffic issues. DLRCC Transportation Planning have reviewed the proposal and have raised no objection to the development for retention.

7.10.4. **Drainage** - I agree with the applicant that the scheme before the Coimisiún the does not introduce any new issues relating to foul drainage. DLRCC Drainage Planning have reviewed the proposal and have raised no objection to the development for retention subject to the drainage-related conditions and compliance with the parent planning

7.10.5. **Other Uses** – Concerns have been raised by Third Parties in relation to the use of the unit as a cafe / restaurant with the green roof being used as a terraced area. I agree

with the Case Planner that any changes to the permitted use or use of the green roof area are matters for the Planning Authority and are out with the consideration of this appeal. For clarity the scope of the appeal is limited to the elements set out in the application and public notice.

- 7.10.6. **Development Contribution** - DLRCC did not attach a Section 48 Development Contribution as there is no stated increase in floor area associated with the development and no stated floor area associated with the works to be retained (Q12 of the Application Form refers).

8.0 **Environmental Impact Assessment**

- 8.1.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

9.0 **Appropriate Assessment Screening**

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development comprises extensions and alterations to an existing dwelling. No nature conservation concerns were raised in the planning appeal.

- 9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Nature of the works e.g. small scale and nature of the development.
- Distance from nearest European site and lack of connections.
- Taking into account determination of the Planning Authority.

- 9.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore

Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.2. The reason for this conclusion is as follows:

- Nature of the project, site and receiving environment
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.3. On the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason.

12.0 Reasons and Considerations

Having regard to the Objective 'NC' zoning of the site, the policies and objectives as set out in the 2022-2028 Dun Laoghaire-Rathdown County Development Plan, the

planning history of the site, the scale and nature of the proposed development and the 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 residential or visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1)	<p>The development shall be retained in its entirety 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 5th Day of September 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiun Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2)	<p>This permission authorises the subject development as outlined in the public notices and does not relate to any other development not subject of this application whether or not such development would otherwise constitute exempted development.</p> <p>Reason: To clarify the extent of this permission</p>
3)	<p>The development shall comply with the conditions of the parent permission D21A/0869 (ABP Ref. 312286-21) unless the conditions set out hereunder specify otherwise.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary Crowley

Senior Planning Inspector

12th February 2026

14.0 Appendix 1 - Form 1 EIA Pre-Screening [EIAR not submitted]

An Pleanála Case Reference	Coimisiún PL-500022-DR		
Proposed Development Summary	Protected Structure: (1) installation of Photo Voltaic (PV) panels to front of main roof (2) installation of sliding gate to vehicular access to east boundary and (3) increase in height from 1.4m to 1.8m of later railings to the east boundary.		
Development Address	21 Summerhill Road, Dun Laoghaire, Co. Dublin, A96 A4P1 (Protected Structure)		
Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion

No	X	N/A		No EIAR or Preliminary Examination required
Yes				Proceed to Q.4
4. Has Schedule 7A information been submitted?				
No	X			Preliminary Examination required
Yes				Screening Determination required

Inspector: _____ Date: _____

15.0 Appendix 2 - WFD – Stage 1 Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-5000182-DR	Townland, address	14A/15A, Monkstown Crescent, Monkstown, Blackrock, Dublin, A94X0P0
Description of project	Retention permission is sought for amendments to the development previously permitted under Ref. D21a/0869 (ABP Ref. 312286-21) that includes: <ul style="list-style-type: none"> ▪ amendment to the rear of the building including a reduced curved roof ▪ replacement of window with a door at the front ▪ installation of a rear access ladder 		
Brief site description, relevant to WFD Screening,	The site is located in an established urban.		
Proposed surface water details	Question 20 Application Form – Public sewer / drain		
Proposed water supply source & available capacity	Question 20 Application Form – Existing public mains		
Proposed wastewater treatment system & available capacity, other issues	Question 20 Application Form – Existing public sewer		
Others?	Not applicable		