



An
Coimisiún
Pleanála

Inspector's Report

PL-501312-DR-26

Development

The proposed development will consist of a new single-storey front-facing side extension to replace an existing side extension to be demolished; a new single-storey side extension to the rear of the existing single-storey entrance lobby to allow level access; a new consolidated single storey rear-facing extension in place of existing sun room to be demolished; the introduction of 2 new sash windows to the front elevation addressing Cunningham Road; demolition of two existing chimney stacks; the formation of a new recessed vehicular entrance gate in place of the existing vehicular access gates addressing Cunningham Road; revised landscaping measures to the front garden to allow the formation of improved parking facilities; the introduction of a new pedestrian access gate to the rear garden addressing Cunningham Drive; the introduction of 3 new roof-lights to the roof of the existing dwelling; modification of some existing opes to the perimeter of the property to accommodate new window/door proposals

outbuildings to the rear garden and all associated site works.

Location

Arranmore, Cunningham Road,
Dalkey, Co. Dublin, A96A9TV

Planning Authority

Dún Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D26A/0135/WEB

Applicant(s)

Katy & Johny Janssens

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Enderly OMC Ltd.

Ian & Rosemary French

Justin Connolly

Observer(s)

None

Date of Site Inspection

14th July 2026

Inspector

Conor Hughes

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1.0 Site Location and Description

- 1.1. The site is comprised of the buildings and curtilage a large detached Victorian villa known as Arranmore, located on the corner of Cunningham Road and Cunningham Drive, Dalkey.
- 1.2. Access to the site is from a private driveway on the corner of Cunningham Road and Cunningham Drive and there is in-curtilage parking for at least two cars adjacent the western gable elevation.
- 1.3. The building is of masonry construction with a render finish on three sides and brick on the elevation to Cunningham Road. It has a tiled roof, timber sliding sash windows, timber doors and uPVC guttering.
- 1.4. The dwelling is split level partly retaining the land behind and there is approximately 2.5 metres difference in the level between the main access on the gable elevation of the ground floor and the conservatory entrance on the first floor to the rear.
- 1.5. A flight of steps between the villa and an adjacent outbuilding (the coach house) provides external access to the rear of the building.
- 1.6. The land to the rear is the private garden for Arranmore which extends back from the rear elevation by approximately 33 metres and is circa 750 square metres in size.

The southern, eastern and western boundaries are comprised of a random stone wall of varying heights. The northern boundary is a decorative granite cut stone wall with pillars at the entrance.

2.0 Proposed Development

- 2.1. The proposed development comprises a new single-storey front-facing side extension in replacement of an existing extension; a new single-storey side extension behind the existing entrance lobby for level access; a new single storey rear extension in replacement of existing sun room; two new sash windows in the front elevation; demolition of two existing chimney stacks; the formation of a new recessed vehicular entrance gate in place of the existing vehicular access gates on Cunningham Road; hard and soft landscaping of front garden; formation of improved parking facilities; new pedestrian access gate to the rear onto Cunningham Drive; three new roof-lights to the

roof of the existing dwelling; modification of some existing openings to the perimeter of the property to accommodate new windows and door; outbuildings to the rear garden and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- On 15th April 2026 the Planning Authority issued notification of their decision to grant planning permission subject to condition as the development would not detract from the amenities of the area consistent with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-28, and therefore in accordance with the proper planning and sustainable development of the area.
- The decision to grant planning permission was subject to eight conditions:
 - Condition 1 related to the proposed development as described in the application form and drawings being carried out as approved.
 - Condition 2 specified that the permission should not be construed as approving any development not specified in the public notice.
 - Condition 3 excluded the outbuilding shown on the plans.
 - Condition 4 prevented the sub-division of the dwelling into two or more habitable units.
 - Conditions 5 and 6 required any surface water associated with the proposed development to be retained within the curtilage of the site and disposed of via SuDs. The surface of the extended parking area was to be permeable.
 - Condition 7 required the footpath in front of the proposed widened vehicular entrance shall be dished and strengthened at the Applicant's own expense
 - Condition 8 required measure to be taken during the construction phase to prevent damage to the public road or conflict with pedestrians or other road users.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planning report noted that the proposed development was within an Objective A zoning where extensions and alterations to an existing dwelling would be acceptable in principle subject to meeting the relevant policies and objectives of the Development Plan.
- The report further noted no climate change implications arising from the proposed development subject to any construction materials improving the thermal efficiency of the building and where feasible materials are re-used in accordance with policy objective CA07 of the Development Plan.
- The Planning Authority had no objection to the proposed demolition of the side extension, rear sunroom and two chimney stacks as the building was not a Protected Structure and not located in a conservation area or ACA. The structures apart from one of the chimney stacks were not original features.
- The proposed extension to the eastern gable elevation was in replacement of an existing single storey extension and the size and design was considered to be acceptable as it would not harm the visual or residential amenities of the adjacent dwelling or the streetscape.
- The small extension to the entrance lobby used a similar palette of materials as the other proposed extensions and was acceptable.
- The design, scale and form of the proposed rear extension in replacement of a sunroom would not adversely impact on the amenities of any existing adjacent properties in terms of overlooking, overshadowing or overbearing appearance. It would also not adversely impact on visual amenity and adequate private open space was retained.
- The planning report concluded that both the proposed side and rear extensions were in accordance with the provisions of Section 12.3.7.1 of the Development Plan in terms of residential amenities.

- The internal alterations to the floorplan reducing the number of bedrooms from five to three was also considered to be consistent with the policy objection CA8 in improving the standard of habitable accommodation.
- The changes to the façade with the insertion of new windows in the front and eastern gable elevation and new window and door in the western elevation were acceptable to the Planning Authority as these alterations were minor.
- In respect of the proposed pedestrian access onto Cunningham Drive the Planning Authority observed this was beneficial in terms of permeability. They noted the third-party objection to the access and concluded having regard to Section 5.13 of the Development Management Guidelines for Planning 2007 that the objection was not a material consideration and the grant of planning permission would not supersede any legal ownership rights.
- New boundary treatments and outbuildings classified by the Planning Authority as development and not either included in the description of development in the application form and/or the submitted plans were excluded by way of a planning condition.

3.2.2. Other Technical Reports

- Municipal Services Department - Drainage Planning: No objection subject to conditions requiring the submission of a SuDS drainage proposal for any storm water generated by the proposal. Any changes to parking and hardstanding areas should have permeable surfacing.
- Transportation Planning - No objection to the proposed development subject to a condition requiring all necessary measures be taken to prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties during the construction phase; any damage to the public road arising the works being repaired; and conflict between the construction activities and pedestrian/vehicular movements being avoided. It was also a condition for the footpath in front of the widened vehicular entrance onto Cunningham Road to be dishd and strengthened at the Applicant's own expense.

3.3. Prescribed Bodies

- Uisce Éireann were consulted but did not return a response before the decision issued.

3.4. Third Party Observations

- Four third-party observations were submitted in objection to the proposed development from three residents at Nos. 1, 5 and 7 Enderly and the management company for Enderly.
- The third-parties observed that the insertion of a pedestrian access through the boundary wall on Cunningham Drive relies on land which is owned by the residents of Enderly.
- A map is submitted in support of the objection by the management company was based on two land registry folios DN209121F and DN220939F which include the boundary wall and the land in front between the wall and the edge of Cunningham Drive.
- The third parties observed that no permission was sought or given to make an opening for the proposed pedestrian access.
- One of the objectors observed the pedestrian access onto Cunningham Drive was not suitable as there is no footpath and it would be dangerous to pedestrians leaving/entering the site and traffic on Cunningham Drive.
- Another observed that the proposed gate would result in a loss of residential amenities.
- The third party representing the management company highlighted that a railing atop the existing random stone wall along the southern boundary and part of the western boundary. No permission has been given by the residents of Enderly to attach the railing to the wall and as it not included in the description of development it should be omitted.

4.0 Planning History

Concurrent appeal – former coach house adjacent (owned by the applicant)

- 4.1. PL-501311-DR-26 (DA26/0139/WEB) - Permission granted for the proposed development will consist of the refurbishment of the existing two-storey coach house building, including the raising of the roof level, three new rooflights to the front roofscape, modifications to window opens & new fenestration throughout, installation of solar panels to the rear (south facing) roofscape, formation of new rear patio space with stepped access from a new proposed pedestrian entrance gate addressing Cunningham Drive, internal modification works to accommodate a one-bed dwelling and all associated site works

Neighbouring Dwelling – Santa Maria (to the east)

- 4.2. D24A/0446/WEB - Permission granted for the reunification of the main house (Santa Maria) and its attendant coach House into a single dwelling requiring omission of condition 5 of D07A/1259; the removal and replacement of non-original single storey kitchen extension to the rear; the removal of timber floor boards, tiled floor finishes, sanitaryware on ground and first floor; internal alterations including new wall opening between the existing kitchen and dining rooms; new internal lightweight partitions; new external doors to the coach house; general refurbishment of the existing house including essential repairs to walls, floors, windows, facades and roofs; associated conservation and ancillary works.

Neighbouring Development – Enderly (to the south)

- 4.3. PL06D.244307 (D14A/0260) - Permission granted on appeal for a residential development comprising 5 two-bedroom, 3 three-bedroom and 10 four-bedroom terraced houses; a basement car-park with 8 private and 4 visitor parking spaces and a shared bin store, a public open space area of 589 square metres including an external platform lift; 28 private and 2 visitor surface car-parking spaces; and all associated and ancillary site and landscaping works.

5.0 Policy Context

5.1. Development Plan

- The Dún Laoghaire-Rathdown County Development Plan 2022-2028 (the Development Plan) is the relevant plan for the area and the site is zoned as Zoning Objective A to provide residential development and improve residential amenity while protecting the existing residential amenities.
- Section 4.3.1.2 PHP19 Existing Housing Stock (Adaptation) states that it is a policy objective to conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with the National Planning Framework.
- Section 11.4.3.3 HER21 Nineteenth and Twentieth Century Buildings, Estates and Features states it is a policy objective to encourage the appropriate development of exemplar nineteenth and twentieth century buildings, and ensure the design of developments on lands located immediately adjacent to such groupings of buildings addresses the visual impact on any established setting.

- Section 12.3.7.1 (ii) provides guidance for extensions to dwellings in Existing Built-up Areas and for extensions to the rear it states:

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.

External finishes and design, which shall generally be in harmony with existing.

- Section 12.3.7.1(iii) provides guidance for extensions to dwellings in Existing Built-up Areas and for extensions to the side it states:

Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.

- Section 12.8.3.3 (i) sets out at table 12.10 the private open space requirement for new houses. For a three-bedroom house the guidance states that 60 square metres of good quality usable private open space shall be provided behind the

front building. It further states that the requirements of this section should be read in conjunction with the development management requirements of *section 12.3.7.1*.

- Section 12.4.8.3 provides guidance for driveways and hardstanding. The standard for detached dwellings is that a minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

- It is stated in the second paragraph of Section 5.13 of the Development Management Guidelines for Planning Authorities 2007 that:

The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision. Accordingly, where in making an application, a person asserts that he/she is the owner of the land or structure in question, and there is nothing to cast doubt on the bona fides of that assertion, the planning authority is not required to inquire further into the matter. If, however, the terms of the application itself, or a submission made by a third party, or information which may otherwise reach the authority, raise doubts as to the sufficiency of the legal interest, further information may have to be sought under Article 33 of the Regulations. Only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis. If notwithstanding the further information, some doubt still remains, the planning authority may decide to grant permission. However, such a grant of permission is subject to the provisions of section 34(13) of the Act, referred to above. In other words the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission.

5.3. Natural Heritage Designations

- The site is approximately 1.15 kilometres west of the Rockabill to Dalkey Island Special Area of Conservation (SAC:03000) and Dalkey Special Protection Area (SPA: 004172).

6.0 EIA Screening

- 6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

- Grounds of appeal are submitted by the residents of Nos. 5 and 7 Enderly and the management company for the Enderly development.
- All the appellants argue that the insertion of a pedestrian access through the boundary wall on Cunningham Drive relies on land which is owned by the residents of Enderly and which is managed on their behalf by Enderly OMC Ltd. No permission has been sought or given from the residents or the managing company and planning permission should not be granted.
- The appellant from 7 Enderly refers to a Supreme Court case *Frescati Estates Ltd. v Walker [1975] IR 177* and emphasises the requirement for planning permission rules to be clearly complied with and if an applicant's interest is not properly disclosed this can be treated as a failure to satisfy a statutory or procedural requirement.
- In this respect the same appellant argues that to misrepresent or not disclose the interest of the Enderly Owners Management Company is a failure to satisfy a procedural requirement. A letter from a land surveyor is appended to the grounds of appeal that explains the interest of the company and highlights an incomplete

first registration application process for Arranmore pending from 10th September 2025.

- This appellant further states that the decision to grant planning permission in the first instance is legally flawed as the applicant did not establish sufficient legal or contractual right to develop the subject property. It was the duty of the Planning Authority to investigate and the absence of clear title renders the permission unlawful.
- The absence of adequate evidence of ownership or authorisation is more than a private title dispute. The appellant states that the Planning Authority failed to satisfy itself that the applicant had the right to carry out the development.
- The appellants at 7 Enderly and for the management company observe that Article 22(d) of the Planning and Development Regulations 2001 (as amended) requires an applicant who is not the legal owner of the lands to include written consent with the planning application. They argue that the Planning Authority should have addressed this issue prior to the grant of planning permission or made the application invalid.
- The appellant from 7 Enderly argues that the proposed development would be materially prejudicial to the proper planning and sustainable development of the area as the ownership issue affects access, implementation, and enforceability of the permission.
- The appellants from 5 Enderly observe there is no valid need for a 1.5-metre-wide pedestrian access on Cunningham Drive and it would be dangerous to pedestrians and vehicular traffic using this road. The danger is further amplified by the steep gradient.
- The same appellant refers to the impact of the construction of a second access in the same boundary wall which is part of the D26A/0139/WEB application. They state this should have been assessed cumulatively. They also maintain this access will be used for another purpose such as construction and/or to facilitate future development.
- The appellants at 5 Enderly and for the management company argue the railing atop the southern and part of the western boundary wall is on land owned by the

management company and is not achievable. They argue the Planning Authority were correct to omit the railing by planning condition.

- The appellant for the management company describes the proposed development being located in a sensitive context comprised of a group of large nineteenth century villas of substantial architectural significance. The adjoining property Santa Maria (a protected structure) is particularly important.
- They state that Chapter 12 of the Development Plan emphasises the protection of architectural heritage extends beyond individual structures and includes setting, attendant grounds, boundary features and the wider historic character of the area.
- In this respect the same appellant emphasises the impact on the adjoining Protected Structure needs to be carefully assessed and expresses concern that there is little consideration given to heritage or conservation matters.
- They state no architectural heritage assessment or conservation report is submitted nor has any consultation been undertaken with the relevant heritage bodies.
- They further state the planners report only contains brief general observations on the proposed building works, the setting and any impacts on the shared wall. This gives rise to a question as to whether the Planning Authority properly discharged its statutory obligation.
- The appellant for the management company argues that the new pedestrian access will result in a loss of residential amenity for the residents of Enderly. It does not serve any identifiable permeability objective and there is already an established pedestrian/vehicular access on Cunningham Road. A number of general points are made about the need for the access and that it is not readily accessible to the existing footpaths on Cunningham Drive.
- The appellant argues the pedestrian gate is not necessary and in the absence of any functional justification it gives rise to a reasonable concern that it is a construction access, service access, access for a motorised vehicle or pedal cycle, or for an unspecified intensified use not assessed by the Planning Authority.

- The appellant indicates that it should either be omitted, reduced in size or conditioned to be only for pedestrian access.
- The appellants at 5 Enderly and for the management company observe that the cumulative effect of this proposal should have been considered alongside the application to convert the coach house to a one-bedroom dwelling in terms of the impact on the heritage character of adjoining properties particularly the adjoining protected structure.
- They further state the Planning Authority did not take adequate account of the intensification of use arising from the additional residential occupation; intensified use of external amenity areas; increase pedestrian movements; servicing and deliveries; parking demand; refuse storage; construction activity; and multiple access points in an historic boundary wall.
- In this respect one appellant also asserts more generally that the proposed development cumulatively impacts on residential amenity; on the historic boundary wall with multiple pedestrian accesses; intensified residential occupation; increased construction activity; subdivision of the curtilage; parking demand and impacts on adjoining residents.

7.2. Applicant Response

- The applicant in response to the grounds of appeal sets out that the proposed development is submitted in accordance with the residential zoning in the Development Plan.
- They describe the site; the nature and extent submit proposals; related planning history and submit in response that the primary architectural form will be retained in the streetscape and the context and setting will remain on implementation of the planning permission.
- The applicant also asserts the Planning Authority had taken account of the historical and architectural context and that the appellant other than with a general reference to Chapter 12 does not explain which policy or objective is not met.

- The applicant states the appellant acting on behalf of the management company and the residents of 5 Enderly base their objection to the pedestrian gate on a rationale that it was not required before.
- The applicant in response describes the size of the garden at the rear of Arranmore as substantial and the level of maintenance means that a more direct access is required. The steps to the west and proposed ramp to the east are not sufficient. The addition 0.5 metre width is for convenience to move larger items such as garden furniture.
- The applicant asserts in respect of this ground of appeal that as this is not a primary access and adjacent to an existing public footpath the pedestrian gate is consistent with the proper planning and sustainable development of the area. They further state there are no grounds to conclude this access will cause a traffic hazard and there is no evidence to corroborate this claim.
- The applicant advises in respect of the three third party appeal submissions that they have sufficient legal interest to undertake the works to the pedestrian entrance in the western boundary wall. They describe part of the western boundary wall being realigned to accommodate the access and visibility splays for the Enderly development but there is no basis for the appellant to conclude the original wall built some 120 years is owned jointly.
- The applicant asserts in respect of the appeal by the third party from 7 Enderly that no consent was or is required and there is no evidence of misrepresentation. They state the Planning Authority were correct to conclude that the planning system is not the correct vehicle to resolve landownership or right of way issue. They further assert there are no planning grounds to omit the gate.
- In response to the objections by the appellant acting on behalf of the management company and the residents of 5 Enderly the applicant accepts that the railing atop the boundary wall was not part of the description of development or sufficiently detailed in the submitted plans and accepts that a similar condition could be applied until such times as the boundary treatment is applied for.
- The applicant also submits in response to the ground of appeal from the residents of 5 Enderly that the proposed development was considered cumulatively and in

combination with the concurrent application to convert the former coach house to a one-bedroom dwelling. Both were considered valid and granted planning permission.

7.3. Planning Authority Response

- No new matters are raised in the grounds of appeal that would alter the position of the Planning Authority that the proposed development is refused.

7.4. Observations

- None

8.0 Assessment

8.1. Having examined the application details and all the other documentation on file, including the submission received to appeal, the reports of the local authority, and having inspected the site, and having regards to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered as follows:

- The principle of development
- The impact on visual amenity including the setting of the Protected Structure
- The impact on residential amenity
- The cumulative impact
- The pedestrian access to Cunningham Drive
- Alleged Procedural Error

The principle of development

8.2. The site is subject to zoning Objective A in the Development Plan which has the purpose of improving residential amenity while protecting existing residential amenities.

8.3. I agree with the assessment of the Planning Authority that extensions to the rear and both sides of the dwelling, alterations to the fenestration and other ancillary works within the curtilage of the property including hard landscaping, alterations to the entrance and insertion of a pedestrian gate are acceptable in principle subject to being in accordance

with the requirements of the policies and objectives of the zoning and consistent with the proper planning and sustainable development of the area.

The impact on visual amenity including the setting of the Protected Structure

- 8.4. The appellant representing the management company asserts that the application should have been accompanied by an architectural heritage assessment or conservation report addressing the impact of the proposed alterations and extensions to Arranmore on the setting of the adjacent heritage assets and particular the neighbouring protected structure at Santa Maria.
- 8.5. I note it is not specified in the grounds of appeal which policy objective or development standard is not met or which unique architectural or heritage characteristic is harmed by the type of development proposed.
- 8.6. For completeness I further note this site is not a conservation area or ACA and no building works are proposed to a Protected Structure that would trigger the need for a consultation with any relevant heritage body.
- 8.7. I am also satisfied that the Planning Authority identified the correct policy objectives and development management standards that apply to this form of development in the setting of a Protected Structure. In respect of the three policy objectives of HER21 I observe the following.
- 8.8. The first objective encourages the appropriate development of exemplar nineteenth century buildings to ensure their character is not compromised. An existing side and rear extension are replaced with buildings of a similar scale and mass. A new extension on the eastern gable elevation is small in scale and behind an existing entrance lobby. I agree with the Planning Authority that the cumulative effect of the proposed building works will not detract from the character of the Victorian villa. It will remain the predominant feature given its scale and elevation in the site.
- 8.9. The second objective encourages the retention and reinstatement of features that contribute to the character of exemplar nineteenth century buildings, such as roofscapes, boundary treatments and other features considered worthy of retention. Having examined the plans I am satisfied that the loss of one original chimney and insertion of new windows in the front and side elevation to the east will not detract from

the character of the building. All other features are retained and made good as part of the proposed alterations.

- 8.10. The third objective ensures the design of developments on lands located immediately adjacent to such groups of buildings addresses the visual impact on any established setting. The proposed extension on the eastern side closest to Santa Maria (the closest protected structure) replaces an existing extension and is betterment as a gap is created between the proposed building and the boundary wall. The design is contemporary and the contrasting material does not compete with any of the heritage features of the Protected Structure.
- 8.11. Small sections of the wall along the boundary with Cunningham Road are removed to create a wider entrance. The wall is a contiguous feature with Santa Maria and one of the features that the appellant representing the management company objects to on the grounds of a loss of heritage value. I acknowledge that entrances adjacent to and opposite are not improved and to maintain the established setting to be consistent with objective HER21 the proposed changes to the entrance should be omitted by condition.
- 8.12. Other than the proposed change described above I note the development management standards that apply at Section 12.3.7.1 (ii) and (iii) only require the proximity of the proposed development to mutual boundaries and that it is designed to match and complement the main house.
- 8.13. For the reasons set out in the preceding paragraphs I consider the development standards for the proposed extensions to the rear and side to be met and the proposed development will not harm visual amenity and are in keeping with the character of the area consistent with the objective A zoning in the Development Plan.

The impact on residential amenity

- 8.14. No grounds of appeal are submitted on the basis of a loss residential amenity because the proposed alterations and extensions are overlooking, overbearing or overshadowing. Having examined the plans I agree with the Planning Authority that there is no loss of residential amenity to the residents of Santa Maria (the closest neighbouring property) as a result of the proposed development.
- 8.15. The appellants argue that there will be a loss of residential amenities to the residents of Enderly and that the Planning Authority did not take adequate account of the increased

pedestrian movements from the construction of multiple access points in an historic boundary wall.

- 8.16. Having visited the site, I note this is an established residential neighbourhood and that the activities specified by the appellants in their grounds of appeal already occur on the street immediately adjacent to and opposite the entrance to Enderly. I did not observe that a gate serving the private garden of a single dwellinghouse would result in the loss of residential amenities. The applicant may on occasion be required to maintain and service the large garden for this dwelling and that there is no policy objective or development standard that prohibits the insertion of pedestrian gates in boundary walls.
- 8.17. For the reasons outlined above I consider the proposed development to be consistent with the objective A zoning in that the proposed development has been designed to protect residential amenity and not harm the residential amenities of the area in accordance with requirements of Section 12.3.7.1 (ii) and (iii) of the Development Plan.

Cumulative Impact

- 8.18. The appellants observe that the cumulative effect of this proposal should have been considered alongside the application to convert the coach house to a one-bedroom dwelling in terms of the impact on the heritage character of adjoining properties. This application is concurrently under appeal as explained in the planning history section as PL-501311-DR-26 (DA26/0139/WEB).
- 8.19. Notwithstanding the fact that I am required to consider this proposal on its own merits I do not observe any cumulative effects arising from the proposed development which is small in scale.
- 8.20. Having already concluded for the reasons set out in the preceding paragraphs that the proposal is in accordance with the requirements of the Objective A zoning of the Development Plan I do not consider there to be any compelling evidence provided in support of the submitted grounds of appeal to sustain a refusal of planning permission on the grounds of a loss of visual or residential amenities of the area.
- 8.21. The main issue is one of whether the applicant is legally entitled to make one or more openings in the western boundary wall and whether this might give rise in the future to

other development proposals on the lands to the rear of Arranmore or which may in the future result in the intensification of an existing use cumulatively impacting on the visual and residential amenities of Enderly.

The pedestrian access to Cunningham Drive

- 8.22. The appellants argue that the insertion of a pedestrian access through the boundary wall on Cunningham Drive relies on land which is owned by the residents of Enderly and which is managed on their behalf by Enderly OMC Ltd.
- 8.23. They exhibit a plan which is prepared from two land registry folios which is annotated along the Cunningham Drive section “W”-“X” which is annotated ‘existing footpath’ and ‘grass scrubland’. The location of the proposed gate is marked “B”. They submit in the grounds of appeal that the boundary wall is within the area of the two folios.
- 8.24. The appellant from 7 Enderly also exhibits the original advice prepared by the land surveyor for the Enderly Owners Management Company but not submitted as an observation with the planning application. I note that the surveyor states in the third paragraph that:
- ‘The Site Boundary is partly incorrectly shown on the two DLR Planning Application Drawings. These Applications have included the existing side and rear stone clad walls as part of the development Site. These walls were actually identified and included as part of the Planning Application D14A/0260, which was granted the Enderly Housing Scheme.’*
- 8.25. The planning applicants certify in the application form that their legal interest in the land as ‘owner’. The western boundary wall is shown both as edged red to define the extent of the application site.
- 8.26. They refute the claim by the appellants and state in their response to the grounds of appeal that they own the land where the opening and pedestrian gate is proposed.
- 8.27. They refer to a Google image which shows a section of the original wall at the junction with Enderly that was taken down and replaced with a new rubble stone wall behind a visibility splay. They state it is not clear when the works to realign the wall took place but this is before the D14A/0260 grant of planning permission and refer to a decision by the then Board for this application in which the inspector refers to the works having already taken place.

- 8.28. Whilst I understand Section 5.13 of the Development Management Guidelines for Planning Authorities 2007 clarifies that the mechanism for resolving disputes about title to land or premises or rights over land are ultimately matters for resolution in the Courts the guidelines do confirm where doubt is cast on the sufficiency of the legal interest the planning authority can seek further information.
- 8.29. The planning authority do not engage with the initial observation submitted by the appellant other than to say that it is 'normally considered that boundary issues/disputes are private party matters and civil matters. They do not seek further information under Section 33 (1) of the Planning and Development Regulations 2001.
- 8.30. Having considered the evidence provided in support of the appeal, the response received from the planning applicant and following a site visit I am satisfied that part of the wall was set back by 2.4 metres from the edge of the junction with Enderly to accommodate a 78.5 metre visibility splay and pedestrian footpath which is approximately 20 metres in length.
- 8.31. I also note that the grant of planning permission on appeal for D05A/1607 referred to by the planning applicant in their response to the grounds of appeal was granted planning permission on 23rd January 2007. A Google image dated July 2009 shows the entrance to Enderly formed and the wall on the southern and part of the western boundary realigned.
- 8.32. These works pre-date the D14A/0260 grant of planning permission and having examined the plans for this application they only show how the access is to be formed and the visibility splays to be achieved. There is no annotation on the drawing that requires the wall to be realigned nor is it included in the description of development.
- 8.33. The two folios are not submitted with the grounds of appeal to properly understand the nature of the Enderly interest. That said I acknowledge that the residents would have an interest in ensuring the visibility splay remains unobstructed and the footpath is not impeded. This also appears to have been the reason for the wall having been realigned for the D05A/1607 grant of planning permission on appeal in the first instance.
- 8.34. Where some doubt exists on the sufficiency of the legal interest the guidelines state that planning permission can still be granted subject to the provisions of Section 34(13) of the Planning and Development Act 2000.

- 8.35. In this respect the location of the proposed opening at “B” is at the end of the footpath just beyond an area of tactile paving where the realigned wall ties into the original wall. The planning applicants assert they have sufficient interest to allow a pedestrian access to be opened onto Cunningham Drive. In this circumstance the developer must be certain under civil law that they still have the rights in the land to execute the grant of permission.
- 8.36. I also cannot say with a sufficient degree of certainty that the wall is owned by the residents of Enderly or within the area of the folios particularly where the wall had already been realigned before the grant of the D14A/260 planning permission.

Alleged Procedural Error

- 8.37. The appellants further state the name and address of the owner was not specified Article 22 (1)(d) of the Planning and Development Regulations 2001 (as amended) nor was permission sought or given from the residents or the managing company for Enderly in accordance with Q.10 of the application form. Consequently, a procedural error occurred and the application should have been returned invalid.
- 8.38. I do not consider the Planning Authority to have erred in making the application valid. At the time of receiving the application the form was on the face of it completed correctly.
- 8.39. There was no subsequent procedural challenge to the validity of the planning application and in the appeal the planning applicant maintain that they have sufficient interest in the land to carry out the proposed. The third parties do not submit the folios or exhibit legal documents to confirm that the applicant has misrepresented or not disclosed the interest of the Enderly Owners Management Company to demonstrate that a failure in a procedural requirement has occurred.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 1.15 kilometres west of the Rockabill to Dalkey Island Special Area of Conservation (SAC:03000) and Dalkey Special Protection Area (SPA: 004172).

The proposal comprises alterations and extension to the dwelling; demolition of two existing chimney stacks; the formation of a new recessed vehicular entrance gate in place of the existing vehicular access gates on Cunningham Road; hard and soft landscaping of front garden; formation of improved parking facilities; new pedestrian access gate to the rear onto Cunningham Drive; and all associated site works.

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 appreciable effect on a European Site. The reason for this conclusion is as follows:

- The site in an established residential neighbourhood and the scale of the proposed development comprised of alterations to and extensions at the side and rear of a large Victorian villa is small.
- The distance to the identified European sites and the lack of connection.
- Taking into account the screening determination by the Planning Authority.

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 (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. There are no waterbodies adjacent to the proposed development.

The proposal comprises alterations and extension to the dwelling; demolition of two existing chimney stacks; the formation of a new recessed vehicular entrance gate in place of the existing vehicular access gates on Cunningham Road; hard and soft landscaping of front garden; formation of improved parking facilities; new pedestrian access gate to the rear onto Cunningham Drive; and all associated site works.

No water deterioration concerns were raised in the planning appeal.

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 and 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 wither qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The site in an established residential neighbourhood and the scale of the proposed development comprised of alterations to and extensions at the side and rear of a large Victorian villa is small.
- Sustainable Urban Drainage can be used as mitigation and if properly designed reduce the impact of surface/storm water entering the drainage network.

I conclude 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. I recommend the planning permission should be approved for the following reasons and considerations.

12.0 Reasons and Considerations

- 12.1. The Commission is satisfied having regard to the requirements of Objective A, policy objective HER21 and Sections 12.3.7.1 (ii) and (iii) of the Dún Laoghaire-Rathdown Development Plan 2022-28 which has the purpose of improving residential amenity while protecting existing residential and visual amenities that the extensions to the rear and both sides of the dwelling, alterations to the fenestration and other ancillary works within the curtilage of the property including hard landscaping, entrance and insertion of a pedestrian gate and with the omission of the alterations to the entrance is consistent with the proper planning and sustainable development of the area subject to the following conditions.

13.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.

Reason: To clarify the plans and particulars for which permission is granted.

2. The proposed development shall be amended as follows:

- (a) the alterations to the vehicular entrance onto Cunningham Road shall be omitted and the existing entrance retained.
- (b) the details of any other development not specified in the description of development including the proposed green house and shed in the rear garden of Arranmore and the railing atop the boundary walls shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- (f) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (k) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

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

4. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services.

Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Conor Hughes
Planning Inspector

14th August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501312-DR-26
Proposed Development Summary	The proposed development will consist of a new single-storey front-facing side extension to replace an existing side extension to be demolished; a new single-storey side extension to the rear of the existing single-storey entrance lobby to allow level access; a new consolidated single storey rear-facing extension in place of existing sun room to be demolished; the introduction of 2 new sash windows to the front elevation addressing Cunningham Road; demolition of two existing chimney stacks; the formation of a new recessed vehicular entrance gate in place of the existing vehicular access gates addressing Cunningham Road; revised landscaping measures to the front garden to allow the formation of improved parking facilities; the introduction of a new pedestrian access gate to the rear garden addressing Cunningham Drive; the introduction of 3 new roof-lights to the roof of the existing dwelling; modification of some existing opes to the perimeter of the property to accommodate new window/door proposals
Development Address	Arranmore, Cunningham Road, Dalkey, Co. Dublin, A96A9TV
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means:	

- The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	State the Class and state the relevant threshold

OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☐	

Inspector: _____

Date: 14th August 2026