



An
Coimisiún
Pleanála

Inspector's Report PL-501458-DR-26

Development	Amendments to permitted residential development D21A/1137 (ABP-314896-22).
Location	Tivoli Lodge, Tivoli Road, Dun Laoghaire, Dublin, A96DR53
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D26A/0197/WEB
Applicant	Atria Living Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellants	Cormac Allen (Tivoli Road Residents) Alan & Caitriona Foy
Observers	None
Date of Site Inspection	22 nd August 2026
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The site of the proposed development is located at Tivoli Road, Dun Laoghaire, Co. Dublin. It is situated to the north-east of the junction of Tivoli Road and York Road. This junction forms part of the junction with Mounttown Road Upper and Mounttown Road Lower. St. John the Evangelist Church is situated to the south-west of the site at the junction of with Mounttown Road Upper and Mounttown Road Lower.
- 1.2. The appeal site is located circa 1km from Dun Laoghaire town centre. York Road (R830) is served by the no. E2, L25, L27 and 111 bus routes. The site is located circa 1.3km from Dun Laoghaire Dart Station.
- 1.3. The site has a stated area of 0.085 hectares. It previously contained the property Tivoli Lodge, which was a detached single storey building. The building was in use as a nursing home. The building was demolished and the site has been cleared. There is panelled construction hoarding erected around the perimeter of the site along Tivoli Road and York Road. There is a pedestrian and vehicular gate within the temporary boundary treatment to the site at its eastern corner.
- 1.4. The eastern site boundary adjoins the property no. 1 Tivoli Parade which is a large Victorian two-storey semi-detached dwelling. The northern boundary of the site adjoins the property York House, no. 30 York Road. The property Avila Mew is located to the north of York House.

2.0 Proposed Development

- 2.1. Permission is sought for amendments to a permitted residential development D21A/1137 (ABP-314896-22).
- 2.2. The development will principally consist of an increase in the number of apartment units from 8 No. units (4 No. 1-bed units, 3 No. 2-bed units and 1 No. 3-bed unit) to 13 No. units (9 No. 1-bed units and 4 No. 2-bed units) through the rationalisation of the permitted floors plans, the change of use of the 2 No. storey live-work 2-bed unit at lower ground floor level, and an increase in floor area at lower ground floor level.

The gross floor area of the development has increased from c. 705sq m to c. 831sq m.

- 2.3. The development will remain as a part 2 No. to part 3 No. storey building over lower ground floor, with the maximum height increasing by c. 0.6 metres.
- 2.4. The development will also consist of: general elevational and façade changes; the provision of resident's access along Tivoli Road and York Road to facilitate access to lower ground floor units; landscaping; and all other associated site works above and below ground.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dun Laoghaire-Rathdown County Council in their decision issued on 5th of May 2026 decided to grant permission for the proposal. The permission is subject to 13 no. conditions.
- 3.1.2. Condition no. 2 – Save for amendments granted on foot of this permission, the development shall otherwise be constructed in strict accordance with the terms and conditions of Planning Permission Reg. Ref. D21A/1137 (ABP-314896-22).
- 3.1.3. Condition no. 3 – This permission shall expire on 23/05/2029, in line with Reg. Ref. D21A/1137 (ABP-314896-22).
- 3.1.4. Condition no. 5 – All drainage related conditions and obligations of the parent permission Register Reference D21A/1137 & ABP 314896-22 shall apply. Additional rainwater planters shall be provided at roof level, as detailed in the planning application. The surface water runoff generated by the development shall not be discharged to the public sewer but shall be discharged locally to the proposed raised rainwater planters as indicated in the application.
- 3.1.5. Condition no. 6 – All transport related conditions and obligations of the parent permission shall apply.

3.2. Planning Authority Reports

- 3.2.1. Planning Report dated 05/05/2026 – It was conclude that having regard to the Objective A zoning of the site, the massing, scale and form of the proposed amendments to the development granted under D21A/1137 (ABP-314896-22), it is not considered that the proposed development would adversely impact the residential amenity of adjacent properties by reason of overshadowing, overlooking or overbearing appearance. It was further considered that the proposed development would not detract from the character of the surrounding area and would be in accordance with relevant policy and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.
- 3.2.2. Other Technical Reports
- 3.2.3. Drainage Planning report dated 16/04/2026 – No objection.
- 3.2.4. Environmental Enforcement/Waste Management report dated 28/04/2026 - No objection subject to conditions.
- 3.2.5. Housing Department: report dated 01/04/2026 – No objection subject conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 7 no. submissions/observation in relation to the planning application. The main issues raised are similar to those set out in the third party appeals.

4.0 Planning History

- 4.1.1. Reg. Ref. D25A/0092 & ABP 322291-25 – Permission was granted by the Planning Authority and refused on appeal for amendment to the permitted residential development granted under Reg. Ref. D21A/1137 (ABP-314896-22) consisting of an increase in the number of apartment units from 8 to 13 and all associated site works at Tivoli Lodge, Tivoli Road, Dun Laoghaire, Co. Dublin, A96 DR53.

Permission was refused for the following reason: Having regard to the provisions of Dún Laoghaire-Rathdown Development Plan 2022-2028 including, amongst other things, the residential zoning objective, it is considered that the amenities as proposed would constitute a substandard form of residential amenity for future occupants arising from poor and restricted aspect in the lower ground floor units. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.1.2. Reg. Ref. D21A/1137 & ABP 314896-22 – Permission was granted by the Planning Authority and granted on appeal for the demolition of the existing building (205sq m); and the construction of a part-two part-three storey over partial basement apartment block and all other associated site works above and below ground at Tivoli Lodge, Tivoli Road, Dun Laoghaire, Co. Dublin, A96 DR53.

Adjacent Site

- 4.1.3. Reg. Ref. D25A/0091 & ABP 322290-25 – Permission was granted for amendment permission to the permitted development granted under DLRCC Reg. Ref. D21A/1135, including decrease in area, omission of basement and garden and other works at York House, No. 30 York Road, Dun Laoghaire, Co Dublin.
- 4.1.4. Reg. Ref. D21A/1135 – Permission was granted for works to the existing vacant York House (330 sq. m) to provide a 2 No. storey over part basement, 4 No. bedroom house with an attic floor level (428 sq. m). The works proposed include (a) the demolition of the existing rear extensions (225 sq. m) and the removal of the existing roof; (b) the construction of new-build floor area including a two storey extension to the rear (164.1 sq. m), a new basement under the new build element (97.6 sq.) and a new pitched roof and attic level (62.4 sq. m) incorporating a west facing terrace; and (c) the rationalisation of the internal layout. The development will increase the height of the building from c. 8.73 No. metres to c. 11.2 No. metres. The proposed development also includes a total of 79.6sq m of private amenity space, comprising a private rear garden (c. 42.2 sq. m), a garden at basement level (c.25.7 sq. m) and a roof terrace at attic level (c. 11.7 sq. m); 2 No. car parking spaces; the provision of 2 No. pedestrian entrances off York Road; an upgraded and widened vehicular entrance; hard and soft landscaping; and all other associated site works above and below ground.

5.0 Policy Context

5.1. Project Ireland 2040 – National Planning Framework – First Revision – April 2025

- 5.1.1. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life.
- 5.1.2. National Policy Objective 7 seeks to “deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.”
- 5.1.3. National Policy Objective 8 seeks to “deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.”
- 5.1.4. National Policy Objective 43 seeks “to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”
- 5.1.5. National Policy Objective 45 seeks to “increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.”

5.2. Section 28 Ministerial Guidelines

- 5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
 - Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
 - ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019)
 - ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)

- Urban Development and Building Heights – Guidelines for Planning Authorities (2018)
- Design Standards for Apartments, Guidelines for Planning Authorities (2025)

5.3. Climate Action Plan 2025

- 5.3.1. The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland's Climate Action Plan. It should be read in conjunction with Climate Action Plan 2024.
- 5.3.2. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.4. Dún Laoghaire-Rathdown County Development Plan 2022-2028

- 5.4.1. The appeal site at Tivoli Lodge, Tivoli Road, Dun Laoghaire, Co. Dublin, is located on lands zoned Objective 'A' which has the objective: "to provide residential development and improve residential amenity while protecting the existing residential amenities". 'Residential' development is permitted in principle under this land use zoning objective.
- 5.4.2. Chapter 3 refers to the matter of Climate Action. It sets out the detailed policy objectives in relation to climate and the role of planning in climate change mitigation, climate change adaptation and the transition towards a more climate resilient County.
- 5.4.3. Chapter 4 refers to Neighbourhood – People Homes and Place
- 5.4.4. Policy Objective PHP18 - Residential Density: Seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill / brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Additionally, this policy objective seeks to encourage higher residential densities on the proviso proposals provide for high quality design and ensure a balance between the protection of

existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

- 5.4.5. Policy Objective PHP20 - Protection of Existing Residential Amenity: Seeks to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.
- 5.4.6. Policy Objective PHP27 - Housing Mix: Seeks to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future regional HNDA.
- 5.4.7. Policy Objective PHP42 - Building Design & Height: Seeks to encourage high quality design of all new development. It seeks to ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 in a manner consistent with NPO 13 of the NPF.
- 5.4.8. Chapter 5 refers to the matter of Transport and Mobility. It seeks the creation of a compact and connected County, promoting compact growth and ensuring that people can easily access their homes, employment, education and the services they require by means of sustainable transport.
- 5.4.9. Chapter 12 refers to Development Management
- 5.4.10. Section 12.3.4 refers to Residential Development – General Requirements

5.5. Natural Heritage Designations

- 5.5.1. South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located 850m north of the appeal site.
- 5.5.2. South Dublin Bay SAC (Site Code 000210) is located 850m north of the appeal site.
- 5.5.3. Dalkey Island SPA (Site Code 004172) is located 3.7km to the east of the appeal site.
- 5.5.4. Rockabill to Dalkey Island SAC (Site Code 003000) is located 3.9km to the east of the appeal site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

Third party appeals have been received from (1) Cormac Allen (Tivoli Road Residents) and (2) Alan & Caitriona Foy. The issues raised are as follows;

(1) Cormac Allen (Tivoli Road Residents)

- It is submitted that the appellants' concerns which were detailed in their letter of objection to the Planning Authority were not addressed by the Planning Authority in their assessment of the proposal.
- It is stated that the report of the Planning Officer referred to the proposed increase in the height of the building being 600mm whereas the proposed increase in the height of the building is 800mm.
- The difference in building height of 600mm refers to the height of the building proposed under Reg. Ref. D25A/0092 which was refused permission and the height of the building proposed under the current application Reg. Ref. D26A/0197.
- It is highlighted that the increase in height of 800mm refers to the difference between the building permitted under Reg. Ref. D21A/1137 and that currently proposed under Reg. Ref. D26A/0197.
- The proposed second floor parapet level is shown to be 1250mm higher than that permitted under Reg. Ref. D21A/1137. The proposed building would be 4

feet higher than the permitted level relative to the existing Tivoli Parade parapet. It is submitted that the proposed development would be too high for its location and it fails to respect building lines and the parapet level of the historic Tivoli Parade.

- Concern is expressed that the matter of universal access to the building has not been satisfactorily addressed. The report of the Planning Officer did not refer to the matter. The proposed 800mm increase in levels results in a 1500mm level difference at the point of entry to the building. This requires the omission of the permitted ramped access into the building and the provision of a mechanical lifting platform. The appeal refers to Policy Objective PHP36 of the Development Plan which refers to Inclusive Design and Universal Access.
- The appellants submit that the proposed increase in height to address technical problems with three basement units would be at the expense of disabled and universal access.
- The report of the Planning Officer did not refer to the appellants' concerns in relation to the configuration of the refuse store. The appellants state that their issue with the design of the refuse store could be addressed by a design change to enable access from within the curtilage of the site. It is submitted that this issue could have been addressed by condition.
- The report of the Planning Officer did not refer to the appellants' concerns regarding the visibility of externally mounted building services including photovoltaic panels at roof levels and additional heat pumps. The appellants consider that details of how such externally mounted services will be concealed and managed should have been provided. It is submitted that this issue could have been addressed by condition.
- The report of the Planning Officer did not refer to the omission of the ground floor communal space and realignment of the York House boundary wall to the detriment of the residential amenity within the Tivoli Lodge development. The commentary in the report of the Planning Officer on internal residential amenity is limited to the basement units and private balconies. It does not refer to the omission of the important ground level external amenity space.

The provision of communal amenity space within the development at ground level is considered vital to communal residential amenity.

- It is stated that the proposed density of 153 units per hectare exceeds the maximum permissible 150 units per hectare. While 150 units per hectare may be justified and achievable in other more open contexts it is considered to be an excessive density for the historic location of the appeal site. The York Road/Tivoli Road setting is characterised by historical buildings including Tivoli Parade, the terrace of cottages facing Mounttown Road and St. John's church. It is considered that the permitted scheme on the site containing 8 no. units achieves a reasonable balance between density and historical context.
- A previous decision of the Board is noted. Under Reg. Ref. D06A/0072 & PL06D.219573 permission was granted to Demolish Tivoli Lodge, construct 3 storey block and change of use of York House to residential use to provide 14 no. apartments and all associated works at Tivoli Lodge and York House, Tivoli Road. The appellants state that this permission in effect limited the number of units to 8 on the Tivoli Lodge site. The appellants state this decision should be considered and should inform the current appeal.
- The objection from Tivoli Residents to the Council referred to the following matters. The pre-emptive demolition of Tivoli Lodge was raised. It was stated that the new site boundary walls were incorrectly positioned on site. Concern was expressed in relation to the increased parapet levels and the increased proximity relative to the historic houses at Tivoli Terrace. Concern is raised in relation to the quality of residential amenity provided to the proposed basement units relative to the other units within the scheme. The matter of the impact of the proposed amendments on universal access and egress to the building is raised. It is stated that the scheme fails to provide an accessible parking space in the car park. The loss of open space at the junction with York House is raised. It is stated that the provision of basement level apartments in the proposed scheme requires a continuous sunken area as a source of light egress. This proposed design means soft landscaping cannot be provided at this location. Concern is raised in relation to the location of the refuse store.

- In conclusion, it is submitted that the site is not suitable to accommodate more than 8 no. units without creating significant negative impacts as set out in the appeal.

(2) Alan & Caitriona Foy

- The appellants state that their home Avila Mews directly adjoins the appeal site.
- It is submitted that the proposed development represents a material intensification of the permitted scheme. It is proposed to increase the number of residential units from the eight permitted to a total of thirteen. It is proposed to increase the gross floor area of the scheme from 705sq m to 831sq m. New additional lower ground floor residential units are proposed. It is proposed to increase the building height by 600mm. The proposed communal amenity terrace area would be increased by 67.7sq m. The density of the scheme is approximately 153 units per hectare.
- Concern is expressed that the proposed development will result in direct, elevated and intensified overlooking of the appellants' home. It is stated that the enlarged second floor communal terrace, private terrace and balconies and proposed windows to the additional units with increased occupancy will increase potential overlooking.
- It is considered that the proposed privacy screens are inadequate.
- Concern is expressed that inadequate separation distances have been provided between the proposed development and the appellants' property.
- It is submitted that the proposed development will have an overbearing impact as the proposal increases the height, bulk and massing of the proposed building.
- It is considered that the density of the development at 153 units per hectare is excessive to the site context.
- The matters of noise and disturbance arising from the occupancy of the development is raised.

- It is submitted that the proposed development is contrary to the Objective A – zoning which seeks to protect and improve residential amenity.
- It is submitted that the conditions attached by the Planning Authority to the grant of permission do not adequately address the fundamental permanent impacts of the development on the appellants' home Avila Mews.
- In conclusion, the appellants request that the Commission set aside the decision of the Planning Authority and refuse permission for the proposed development.

7.2. Applicant Response

A response to the third party appeals has been submitted by Thornton O'Connor Town Planning on behalf of the applicant Atria Living Limited.

- One of the appellants sets out that the application documentation incorrectly states an increase in height of 600mm is proposed between the apartment building permitted under the parent permission and the proposed revised scheme. It was contended that the actual increase is 800mm. In response to the matter the first party state that the assertion of the appellant is incorrect.
- The lower ground floor level of the proposed development has increased by approximately 0.62m relative to the permitted scheme which consequently increases the overall building height by 0.62m. The parapet level has increased by approximately 0.675m. For simplicity, the overall increase in building height was referred to in the application documents as 0.6m.
- It is highlighted that the report of the Planning Officer concluded that "it is not considered that the increased building height would be significant, compared with the permitted scheme" and that the building "would not have any significant visual or residential amenity impacts, compared to the permitted scheme."
- The matter of dwelling mix is raised in the appeals. It is set out that the proposed unit mix is contrary to Policy Objective PHP27 of the Development Plan. Policy Objective PHP27 seeks to ensure a wide variety of housing and

apartment types, sizes and tenures. In response to the matter the first party state that SPPR1 takes precedence over Policy Objective PHP27.

- The proposed density at 153 no. units per hectare is marginally above the 40-150 units per hectare applicable to the site as prescribed under the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). The first party are of the opinion that the density is an appropriate and sustainable proposition. It is highlighted that the site is in close proximity to existing and planned high frequency bus services and Dun Laoghaire Dart Station.
- The conclusion was made by the Planning Officer in their assessment of density, “while third party objections in relation to the proposed density are acknowledged, increased residential density is generally encouraged in appropriate areas, planning policy at national, regional and local level. While the proposed development would intensify the residential use of the site it is considered that this would contribute to a more efficient use of scarce urban land within the built-up area, in proximity to existing amenities and services. Having regard to the reduced site area and the number of units proposed, the 153uph density proposed is deemed to be within an acceptable margin of tolerance of the expected 40-150uph range for the site based on the site’s relative small area. On this basis, it is considered that the increased residential density for this site would be acceptable.”
- The grounds of appeal refer to the removal of the ground floor communal amenity space and the proposed increase in communal amenity space to the second-floor level terrace. The communal open space was required to be omitted from the ground floor due to the extension of the red line boundary with the adjoining refurbishment of York House.
- The proposed development provides additional communal amenity space to the permitted second floor terrace and a new space near the York Road entrance. It is highlighted that the report of the Planning Officer considered that “the revised layout now proposed would provide a high standard of residential amenity for future occupants without unduly affecting neighbouring residential amenity.”

- It is set out in the grounds of appeal that the proposed development will have significant adverse impact on neighbouring residential properties by reason of overlooking and overshadowing of Tivoli Parade and Avila Mews. In relation to required separation distance and privacy measures the first party note SPPR1 of the Compact Settlement Guidelines sets out the required separation distances of at least 16m between opposing windows of habitable rooms at the rear and side of dwellings.
- The design approach taken has been to protect and respect residential amenity. Where 16m separation distance is not met the opposing windows do not serve habitable rooms or privacy measures have been incorporated into design in accordance with the relaxation allowed in SPPR1.
- There is a window serving a living/kitchen/dining room of an apartment at first floor level which wraps around the southern and eastern elevations. It is highlighted there are no windows along the gable end façade of the adjacent Tivoli Parade dwelling and therefore no overlooking will occur. Regarding the communal amenity space at second floor level it is highlighted that there are no windows along the facades of adjacent dwellings.
- Privacy screens are proposed along the northern elevation of the building to ensure that there will be no overlooking from the first and second floor circulation corridors or the second-floor terrace onto the rear gardens or habitable rooms of York House, Avila Mews or Tivoli Parade. The terrace has been designed with seating and planting along its edges to preclude residents from standing at the edge of the terrace, thus negating any overlooking to the surrounding area.
- There are two windows along the northern elevation serving unit no. 10. Both windows will be fitted with frosted glazing to ensure no overlooking to neighbouring properties. These windows are over 16m from the boundary with the rear garden of Avila Mews and do not directly oppose any windows in general.
- It is submitted that the overall scale, form, massing and siting of the proposed development remain substantially consistent with the 'parent' scheme.

- It is submitted that the proposed amendments do not materially alter the established development. Having regard to the similarity in form, scale and massing between the 'parent' scheme and proposed amendment it is considered that the development will not give rise to any undue overlooking, overshadowing or loss of residential amenity beyond that which has already been considered and accepted under the extent permission.
- It is set out in the grounds of appeal that the proposed development conflicts with the zoning objective of the site as it fails to protect existing residential amenity. It is submitted that the proposed development had been designed to ensure there will be no adverse impacts on the existing residential amenity.
- The matter of the incorporation of universal access into the scheme is raised. Due to the level difference across the site, stepped access to the stair/lift core and main circulation area of the development is considered to be the most appropriate solution. It was considered appropriate to provide a platform for the lift to the Tivoli Road entrance to cater for the accessible needs of future residents. The entrance arrangements have been amended to respond to the concerns raised in the appeal. The stepped access from the car park is replaced with a ramp. The platform lift is relocated to the undercroft. The platform lift is replaced with steps.
- Regarding the non-provision of an accessible parking space the first party state this was regrettable not including this in the application documentations. It is proposed to combine two car parking spaces to form one accessible parking spaces. The quantum of car parking proposed for the development is 7 no. spaces including the accessible space.
- One appeal refers to recent demolition works which have taken place on site and that a commencement notice was not served. The demolition of the pre-existing structure on site was permitted under the extant 'parent' permission.
- In relation to the boundary between the site and York House is a fence which was erected in preparation of future construction works. It is not the permanent location of the boundary wall between the two sites.

- Regarding the management of waste and refuse storage, despite the assertions of the appellants the waste storage area is not proposed on the public street. It is proposed entirely within the curtilage of the site.
- The waste storage area is not proposed as an isolated, standalone structure separate from the main building. It is integrated into the structure. A buffer area between the waste storage area and the public footpath will be provided as a differentiation between the area and the public realm.
- It is submitted that this design is a highly practical solution for a relatively contained site in order to facilitate easy collection of waste by service providers. The area is sufficiently sized to accommodate the waste generated.
- It is highlighted that the proposed waste storage area is in the same location as the storage area previously approved under the 'parent' permission and was considered acceptable by the Council and An Coimisiún Pleanála.
- In conclusion, it is submitted that the proposed development appropriately addresses the single refusal reason relating to the previous amendment application.

7.3. Planning Authority Response

- The Commission is referred to the previous Planner's Report.
- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.4. Further Responses

7.4.1. A further submission from the appellant Cormac Allen (Tivoli Road Residents) was received by the Commission on the 10th of August 2026.

- The contents of the submission reiterate their grounds of the appeal.
- It is submitted that the response of the first party does not address the grounds of appeal.

7.4.2. A further submission from the appellants Alan & Caitriona Foy was received by the Commission on the 5th of August 2026.

- The contents of the submission reiterate their grounds of the appeal.
- It is submitted that the response of the first party does not address the grounds of appeal.

8.0 **Assessment**

Having examined the application details and all other documents on file, including all of the submissions received in relation to the appeal, the reports 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 is as follows:

- Policy Context
- Design and impact on residential amenity
- Other matters

8.1. **Policy Context**

8.1.1. The appeal site at Tivoli Lodge, Tivoli Road, Dun Laoghaire, Co. Dublin is located on lands zoned Objective 'A' under the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The objective seeks "to provide residential development and improve residential amenity while protecting the existing residential amenities." Accordingly, 'Residential' development is permitted in principle under this land use zoning objective.

8.1.2. In relation to the national policy context the proposed development comprises a residential brownfield development in Dun Laoghaire, Co. Dublin which would be in accordance with the following National Policy Objectives of the National Planning Framework- First Revision (2025). NPO 7 seeks the delivery of 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth. NPO 8 seeks the delivery of at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin,

Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth. NPO 43 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. NPO 45 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site based regeneration, increased building height and more compact forms of development.

- 8.1.3. The site has an area of 0.085 hectares and the proposed scheme of 13. apartments provides a density of 153 units per hectare. The scheme which was previously permitted on the site under Reg. Ref. D21A/1137 & ABP 314896-22 comprises 8 no. apartments within a part two-storey and part three-storey block.
- 8.1.4. In relation to the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Section 3.3.1 of the Sustainable Residential refers to Cities and Metropolitan (MASP) Areas. Table 3.1 refers to density ranges for the Dublin and Cork City and Suburbs. In relation to Suburban/Urban Extension locations it sets out that it is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations. The subject site located at Tivoli Road, Dun Laoghaire would constitute a suburban/urban extension location within the context of its location circa 1km from Dun Laoghaire Town Centre and 12km from Dublin City Centre. The proposed density is marginally above the density range set out as appropriate to 'accessible' suburban/urban extension locations. The Planning Authority in their assessment of the proposal considered that the proposed density would be acceptable on the basis of proximity to existing amenities and services and given the limited site size. I would concur with this assessment.
- 8.1.5. Policy PHP18 of the Development Plan refers to Residential Density and it seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill / brownfield sites having regard to proximity and accessibility considerations, and development management criteria. The proposed development which entails the development of 13 no. dwelling units

constitutes a scheme which provides for the re-intensification of an infill/brownfield sites. It is set out under this policy that the design of schemes should be of high quality and that cognisance of the requirement to protect the existing residential amenities and the established character of the surrounding area should be had while also balancing the need to provide for high quality sustainable residential development. In relation to these issues, they will be addressed in the subsequent sections of this report.

- 8.1.6. Accordingly, I would conclude that the density of the scheme at 153 units per hectare is appropriate and is generally in accordance with the provisions of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024) and the Dún Laoghaire-Rathdown County Development Plan 2022-2028.
- 8.1.7. The grounds of appeal refer to the housing mix within the scheme. Policy Objective PHP27 of the Development Plan refers to Housing Mix, it seeks to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future regional HNDA. It is set out in the appeal that the proposed unit mix is contrary to Policy Objective PHP27 of the Development Plan. The mix of units proposed in the amended scheme comprises 9 No. 1-bed units and 4 No. 2-bed units. The report of the Planning Officer in their assessment of the proposal stated that while a wide mixture of unit types and sizes is encouraged within individual developments, the site context and surrounding housing provision is noted and having regard to the small infill nature of the site and predominance of medium to large houses in the area the proposed dwelling mix would be acceptable in order to increase the number of smaller units in the area and provide a balance in dwelling size and type. I would concur with this assessment and considered that the proposed dwelling mix is acceptable on the basis that one and two bedroom units are provided and that the scheme would increase and improve the dwelling mix available in the area.

8.2. Design and impact on residential amenity

- 8.2.1. The grounds of appeal raised the issues of overlooking and overbearing. It is also set out in the appeals that the height and scale of the building is excessive for the site. The proposed height of the apartment building is of concern in relation to privacy and amenity of adjacent properties. It is submitted in the appeal that the design, layout and height of the development did not have regard to the height and character of the adjoining residential properties. The appeals referred to the separation distance between the proposed apartment building and the adjacent existing buildings. It was submitted in the appeals that the privacy and amenity of adjoining properties will be seriously injured due to the proposed developments proximity to neighbouring properties.
- 8.2.2. It is set out in the grounds of appeal that the height of the building is not appropriate to the site context. The matter of the proposed increase in height relative to the height of the building granted on the site is raised. It is asserted in the grounds of appeal that the increase in the height of the proposed building relative to the building permitted under Reg. Ref. D21A/1137 & ABP 314896-22 is 800mm. The first party refute this and stated in their response that the assertion of the appellant is incorrect. They confirmed that the lower ground floor level of the proposed development has increased by approximately 0.62m relative to the permitted scheme which consequently increases the overall building height by 0.62m. The parapet level has increased by approximately 0.675m. They highlighted that for simplicity the overall increase in building height was referred to in the application documents as 0.6m. Having reviewed the submitted plans and those of the permitted scheme, I am satisfied that the increase in building height is as detailed by the first party.
- 8.2.3. Regarding the proposed height increase and amendments to the scheme the first party submitted that the overall scale, form, massing and siting of the proposed development remain substantially consistent with the 'parent' scheme. In relation to this, I note that the proposed floor area is 831sq m and the floor area as granted under the 'parent' scheme is 705sq m. In relation to the appearance of the building within the streetscape, I note that with the provision of residential accommodation over four floors the building is part four-storey and part three-storey. With the inclusion of the proposed lower ground floor this reduces the height of the building

relative to the neighbouring buildings. Having reviewed the Design Statement prepared by HKR Architects, I note that the four-storey section has been setback from the eastern side of the building and also inset from the western side of the building, I consider this design approach serves to reduce the massing of the proposal relative to Tivoli Parade to the east also when viewed on approach from the west. Regarding the neighbouring property to the north York House, I note that while the four-storey section of the building is proposed adjacent to the northern site boundary, having regard to the level difference across the site and the proposed lower ground floor, the parapet level of the building at 11.20m would only be marginally higher than the apex of the roof of York House at 10.7m. Accordingly, in terms of the visual impact of the proposed scheme on the surrounding area, I consider that it has been well designed to integrate with the surrounding streetscape and as such I would concur with the first party that the proposal would not represent a materially significant change to the scheme which is permitted on the site.

- 8.2.4. In relation to the matter of overbearing impact, I consider that the design approach with the stepping down and tapering of the building heights as detailed above satisfactorily addresses potential overbearing impacts to the neighbouring residential properties at Tivoli Parade, York House and Avila Mews.
- 8.2.5. In relation to the issue of overlooking the closest residential properties to the proposed apartment building are the neighbouring dwellings to the east no. 1 Tivoli Parade and to the north York House and Avila Mews.
- 8.2.6. No. 1 Tivoli Parade is located 4.78m to the east of the proposed apartment building. I note that there are no windows to the west facing gable of the dwelling. York House to the north is located 1.3m from the proposed apartment building. Avila Mews is situated to the north of York House. I note that the rear garden of Avila Mews is located 16.6m from the proposed apartment building.
- 8.2.7. The first party in their response to the matter of potential overlooking set out that the design approach taken has been to protect and respect residential amenity. They highlighted that in relation to required separation distance and privacy measures, SPQR1 of the Compact Settlement Guidelines sets out the required separation distances of at least 16m between opposing windows of habitable rooms at the rear and side of dwellings.

- 8.2.8. Regarding the potential for overlooking from the apartment building the first party stated that at first floor level there is a window serving a living/kitchen/dining room of an apartment which wraps around the southern and eastern elevations. I note that this window would not cause any undue overlooking of the neighbouring residential property to the east no. 1 Tivoli Parade on that basis that there are no windows along the gable of the dwelling. The grounds of appeal raised concerns regarding potential overlooking from the communal amenity space at second floor level. In response to the matter the first party highlighted that the terrace has been designed with seating and planting along its edges to preclude residents from standing at the edge of the terrace and therefore preventing any overlooking to the surrounding area. I note as indicated on the Proposed Northern Elevation Drawing No. HKR-TC-XX-DR-A-0303 that frost glass privacy screens are proposed to the second-floor terrace.
- 8.2.9. As detailed on the Proposed Northern Elevation Drawing No. HKR-TC-XX-DR-A-0303, the design of the building includes the proposed installation of privacy screens along the northern elevation to ensure that there will be no overlooking from the first and second floor circulation corridors onto the rear gardens or habitable rooms of York House, Avila Mews and Tivoli Parade. As detailed on the Proposed Northern Elevation Drawing there are two windows to the northern elevation serving unit no. 10. It is proposed to install frosted glazing to these windows to prevent potential overlooking of neighbouring properties. The first party highlighted in their response that these windows are over 16m from the boundary with the rear garden of Avila Mews and do not directly oppose any windows. Having regard to the design measures proposed to prevent potential overlooking, I consider that the matter has been satisfactorily addressed in the overall design of the scheme.
- 8.2.10. In conclusion, having reviewed the proposed design and layout of the amended scheme, relative to the existing surrounding properties, I consider having regard to the proposed siting of the apartment building and relative separation distances to the existing property that the proposed scheme would not result in any material overlooking or overbearing of neighbouring residential properties.
- 8.2.11. The grounds of appeal raised concern in relation to the provision of communal open space provision. It is noted in the grounds of appeal that the previously proposed ground floor communal amenity space has been omitted. In response to this matter

the first party stated this amendment was made due to the extension of the red line boundary with the adjoining refurbishment of York House. The first party highlighted that the area of communal amenity space to the second-floor level terrace has been increased to address this.

- 8.2.12. Appendix 1 of the Design Standards for Apartments, Guidelines for Planning Authorities (2025) sets out Minimum recommended floor areas for communal amenity space, where provided. The proposed scheme contains 9 No. 1-bed units and 4 No. 2-bed units this would generate the requirement for 73sq m of communal amenity space based on the minimum standards in the guidelines. In relation to the communal amenity space provision on site, I note that an area of 18.5sq m is proposed adjacent to the pedestrian entrance onto York Road and an area of 67.7sq m is proposed to the second-floor terrace. In relation to the quality of the communal amenity space, I note that proposed entrance yard at the York Road entrance includes bench seating and screening from the public domain. The proposed second floor roof terrace features an extensive section of bench seating and planting. I consider the proposed design of the communal open space proposed is of a high quality. Accordingly, having regard to the details set out above I am satisfied with the design and level of communal open space proposed to serve the scheme.
- 8.2.13. The previous application for amendments to the permitted scheme Reg. Ref. D25A/0092 & ABP 322291-25 was refused permission by the Commission on the basis that it was considered that the design of the lower ground floor units would result in a substandard form of residential amenity for future occupants arising from poor and restricted aspect.
- 8.2.14. In respect of this matter the design has been amended. A View Out Assessment was prepared by GV8 and it was concluded that the levels of view out from the lower ground floor units would be broadly consistent with the levels predicted for upper levels and that overall, 96% of habitable floor area in the development would exceed the advisory targets for views out. Therefore, I would note that the proposed increase in the height of the building has resulted in a significant improvement to the levels of view out from the proposed lower ground floor units.
- 8.2.15. An updated Daylight and Sunlight Assessment for the proposed scheme was prepared by GV8 and was submitted with the application. In relation to access to

daylight, it was concluded all of the rooms assessed in the study either met or exceeded the advisory minimums recommended in BR209. In relation to access to sunlight, it was concluded in the assessment that all of 13 no. units proposed within the development would be capable of receiving advisory minimum levels of sunlight access.

- 8.2.16. In conclusion, having regard to the details set out above I am satisfied that the scheme provides a satisfactory level of residential amenity to future residents and also would not unduly impact on the amenities of neighbouring residential properties.

8.3. Other matters

Car parking

- 8.3.1. The grounds of appeal raised the matter of car parking provision and specifically the provision of an accessible parking space. The amended scheme proposes a total of 13 no. apartments which is an increase of 5 no. apartments from the 8 no. apartments permitted under Reg. Ref. D21A/1137 & ABP 314896-22.
- 8.3.2. A total of 8 no. car parking spaces were provided in the scheme granted under Reg. Ref. D21A/1137 & ABP 314896-22. I note that a condition was attached by the Board, condition no. 2 specified that the proposed development shall be amended to provide a minimum of one number disabled car parking space.
- 8.3.3. As indicated on the Proposed Ground Floor Plan - Drawing no. HKR-TC-00-DR-A-0200 a total of 8 no. car parking spaces is proposed to serve the amended scheme. The first party in their appeal response stated that the non-provision of an accessible parking space was regrettable and that it is proposed to combine two car parking spaces to form one accessible parking spaces. I consider this matter can be satisfactorily addressed with the attachment of a condition should the Commission decide to grant permission for the proposed scheme.
- 8.3.4. In relation to the overall provision of car parking, I note the provisions of SPPR3 of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024). Under the provisions of SPPR3, it is set out that in accessible locations, car parking provision should be substantially reduced and the maximum rate of car parking provision for residential development is 1.5 no. spaces per dwelling and the provision at that rate requires to be justified to the satisfaction of

the planning authority. Accordingly, having regard to the location of the site within 1km of Dun Laoghaire town centre, within 1.3km from Dun Laoghaire Dart Station and the proximity to existing high frequency bus services, I am satisfied that the site is within an accessible location as defined by the Compact Settlements Guidelines and that a total provision of 7 no. car parking spaces to serve 13 no. apartments would be acceptable subject to the site context and also the proposed bicycle parking within the scheme.

Universal access

- 8.3.5. The grounds of appeal raised concern regarding the matter of universal access to the building. It is set out that the proposed increase in building height requires the omission of the permitted ramped access into the building and the provision of a mechanical lifting platform. The appeal refers to Policy Objective PHP36 of the Development Plan which refers to Inclusive Design and Universal Access.
- 8.3.6. In response to the matter the first party stated that due to the level difference across the site, stepped access to the stair/lift core and main circulation area of the development was considered to be the most appropriate solution. They stated that it was considered appropriate to provide a platform for the lift to the Tivoli Road entrance to cater for the accessible needs of future residents. However, in response to the concerns raised in the appeals the first party have provided amended entrance arrangements. The stepped access from the car park is replaced with a ramp. The platform lift is relocated to the undercroft. The platform lift is replaced with steps. The appeal response includes a plan referring to Alternative Accessible Arrangements, Drawing No: TIV-04003-HKR-ARC-RPT-001. This indicates the amended universal access arrangements. I considered that it would be appropriate to amend these proposals as set about above and therefore I would recommend that the Commission attach a condition specifying that this amended arrangement is included in the scheme.

Waste Storage

- 8.3.7. The grounds of appeal raise concerns in relation to the location and design of the proposed refuse store. In response to the matter the first party confirmed that the waste storage area is proposed entirely within the curtilage of the site. In relation to the design and its' location the first party states that it is integrated into the structure

and that a buffer area between the waste storage area and the public footpath will be provided as a differentiation between the area and the public realm. The first party highlighted that it is sufficiently sized to accommodate the waste which will be generated by the development and its location will facilitate easy collection of waste by service providers. Furthermore, I note the point made by the first party that the proposed waste storage area is in the same location as the storage area previously approved under the 'parent' permission and was considered acceptable by the Planning Authority and An Coimisiún Pleanála. The proposed waste storage area is indicated on The Proposed Ground Floor Plan, Drawing No: HKR-TC-00-DR-A-0200. I note that it is in line with the building line of the apartment building and setback from the public domain. Furthermore, having reviewed the permitted ground floor plan, I note that it is in the same location as was previously permitted under Reg. Ref. D21A/1137 & ABP 314896-22. Accordingly, I consider the proposed waste storage is acceptable.

9.0 AA Screening

- 9.1. I have considered the proposed development considering the requirements S177U of the Planning and Development Act 2000, as amended.
- 9.2. South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) are located 850m to the north of the appeal site.
 - 9.2.1. Dalkey Island SPA (Site Code 004172) is located 3.7km to the east of the appeal site. Rockabill to Dalkey Island SAC (Site Code 003000) is located 3.9km to the east of the appeal site.
- 9.3. The proposed development comprises amendments to the permitted residential development D21A/1137 (ABP-314896-22).
- 9.4. No nature conservation concerns were raised in the planning appeal.
- 9.5. No streams/watercourses are identified on site.
- 9.6. 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 European site. The reason for this conclusion is as follows:
 - The small scale and nature of the development.

- The distance to the nearest European sites, and the absence of any hydrological or other pathways
- Considering the screening report of Dun Laoghaire-Rathdown County Council.

9.7. I conclude based on 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.

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend that permission should be granted for the proposed development.

12.0 Reasons and Considerations

12.1.1. Having regard to the zoning objective for the site as set out in the Dún Laoghaire Rathdown Development Plan 2022 – 2028, the National Planning Framework – First Revision (2025), Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024), Design Standards for Apartments,

Guidelines for Planning Authorities (2025), and the overall scale, design and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference D21A/1137 & ABP 314896-22 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

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

3. This permission shall expire on the 23rd day of May 2029, in line with Register Reference D21A/1137 & ABP 314896-22.

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

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

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

5.

- (a) All drainage related conditions and obligations of the parent permission Register Reference D21A/1137 & ABP 314896-22 shall apply.
- (b) Additional rainwater planters shall be provided at roof level, as detailed in the planning application. The surface water runoff generated by the development shall not be discharged to the public sewer but shall be discharged locally to the proposed raised rainwater planters as indicated in the application. The proposed raingarden shall be designed and constructed in accordance with the recommendations of the SuDS Manual (CIRIA C753) and best practice guidelines.

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

6. All transport related conditions and obligations of the parent permission shall apply. The following shall be complied with in full:

- (a) The applicant shall provide a minimum of 1 no. car parking space suitable for use by disabled persons as required in accordance with Condition no. 2 of the An Bord Pleanála Order ABP-314896-22. A reduction in the proposed provision of car parking would be acceptable, if required, to provide the minimum 1 no. car parking space suitable for use by disabled persons.
- (b) The applicant shall provide a minimum of 13 no. secure, covered long stay (resident) cycle parking spaces required in accordance with Dun Laoghaire-Rathdown County Council's Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018) as the standards preferred 'Sheffield' stand design, with the additional minimum 4 no. secure, covered long stay (resident) cycle parking spaces required in accordance with the recent Sustainable Residential Development Compact Settlement Guidelines for Planning Authorities, 2024 Section 5.2.5 Bicycle Parking and Storage SPPR 4 – Cycle Parking and Storage (i) Quantity allowable to be provided by alternative cycle parking stand type. A reduction in the proposed provision of car parking would be acceptable, if required, to provide the minimum 13 no. secure covered long stay (resident) cycle parking

spaces required by DRL's standards as the standards preferred 'Sheffield' stand design.

- (c) The proposed development shall include electrical infrastructure/ducting to every parking space to allow their future upgrade to Electric Vehicle Charging Spaces.

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

- 7. Prior to the commencement of the applicant shall submit amended plans in respect of universal access arrangements providing a ramped pedestrian access from the car park and the relocation of platform lift to the undercroft, for the written agreement of the planning authority.

Reason: In the interest of orderly development.

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

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

- 9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.”

Siobhan Carroll
Planning Inspector

31st of August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL 501458-DR-26
Proposed Development Summary	The proposed development comprises amendments to permitted residential development D21A/1137 (ABP-314896-22).
Development Address	Tivoli Lodge, Tivoli Road, Dun Laoghaire, Dublin, A96DR53
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.	
☐ 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	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR	Class 10(b)(i), Schedule 5 Part 2 EIA is mandatory for developments comprising over 500 dwelling units or urban development over 10 hectares in size or 2 hectares if the site is regarded as being within a business district. The proposal is significantly below this threshold being amendments to a permitted scheme comprising an additional 5 no. residential units to the

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	permitted 8 no. residential units and the site has an area of 0.085 hectares which is sub threshold.
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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL 501458-DR-26
Proposed Development Summary	Amendments to permitted residential development D21A/1137 (ABP-314896-22).
Development Address	Tivoli Lodge, Tivoli Road, Dun Laoghaire, Dublin, A96DR53.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development has a modest footprint, comes forward as a standalone project. It does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural	The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. There are no protected species/habitats on site.

resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant	EIA is not required.

effects on the environment.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	~~Schedule 7A Information required to enable a Screening Determination to be carried out.~~
There is a real likelihood of significant effects on the environment.	~~EIAR required.~~

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)