

Longford Terrace Residents Association

c/o 14 Longford Terrace, Monkstown, Co. Dublin

An Coimisiún Pleanála
64 Marlborough Street
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Ireland

23rd August 2026

Re: Dun Laoghaire Rathdown County Council (“DLRCC”) Planning Application Reference D26A/0068/WEB in respect of 10 Longford Terrace, Monkstown a Protected Structure in a designated Architectural Conservation Area.

Dear Sir / Madam

This objection is being submitted to An Coimisiún Pleanála (“ACP”) following an Order of the High Court arising from Judicial Review proceedings, which now requires ACP to accept objections and appeals from the original Observers in respect of DLRCC Planning File Ref. D26A/0068/WEB. That JR was necessitated by DLRCC failure to issue the statutory notices to the Observers that they had made their decision and by the time the observers discovered this failure the appeal period had closed.

This paper has been divided in to two parts. This first part summaries the issues and Part 2 sets each one out in detail.

This submission is, in several respects, an unusual objection and is confined to concerns in respect of the rear extension permitted under the part Grant & part Refusal of Permission issued by Dún Laoghaire-Rathdown County Council (“DLRCC”) in respect of the above application.

Aside from DLRCC’s failure to issue statutory notices - the additional circumstances giving rise to this appeal now opened by the High Court are exceptional, troubling and were avoidable if DLRCC had dealt with this applicable professionally and as the law requires.

The errors made by DLRCC do not amount to just one isolated procedural mistake, but a series of serious failures by DLRCC which should not have occurred and which, had they not been challenged by residents through the High Court to open the appeal case, would have left adjoining families exposed to a development which the Applicants and their professional advisers now themselves accept warranted substantial redesign in order to avoid the albeit unintentional and unnecessary, overbearing and unreasonable impacts upon neighbouring properties highlighted in observations made to DLRCC and herein.

As will also become apparent DLRCC's errors, also exposed the Applicant to an extremely high risk of further successful Court challenges, with the potential consequence that any development constructed on foot of the permission DLRCC granted was almost certain to be found to be unauthorised and unlawful, and therefore exposed to enforcement action and demolition. This risk arises because there is simply no definitive set of dimensioned drawings on the planning file showing precisely what development DLRCC purported to authorise – a disgraceful blunder by a State Planning Body which exposed the Applicant to substantial financial losses while at the same time unnecessarily damaging the residential amenities of the adjoining residents.

As more fully outlined in **Section 13** below, the Applicants have now, thankfully, redesigned the rear extension and provided our representatives with a photomontage of their new design. They intend to seek planning permission following a further relatively minor amendment to lower the plinth adjoining No. 11 Longford Terrace. **See section 13. This is an excellent outcome for all parties. The Applicants will be able to proceed with a development they have designed and are clearly happy with, while the redesigned scheme also substantially mitigates the unnecessary overbearing impacts on adjoining families.**

This proves that the original proposal would have had an unacceptable impact on the adjoining occupiers and should now be formally rejected if not withdrawn as agreed at meeting between the parties outlined below. The new designed standards as irrefutable evidence that the original proposal the subject of this is appear plainly failed to accord with the principles of proper planning and sustainable development, which cannot justify one resident securing a private development benefit at the cost of another resident suffering an unreasonable loss of residential amenity.

A central function of the planning system is to ensure that development does not impose an unfair or disproportionate burden on neighbouring residents.

The new design demonstrated that DLRCC failed to strike that necessary and fair balance between the parties. Significantly, the revised scheme now being prepared for submission seeks to achieve precisely the balance that the original proposal, failed to achieve.

At a meeting held on Monday, 17 August 2026 between the Applicants and their professional advisers, representatives of this Residents Association, impacted member residents and our professional advisers, the Applicants professional advisors, the Applicants stated that they intend to withdraw the planning application which is the subject of this appeal once the ACP appeal process has been opened.

They have thankfully recognised that the original development was capable of being significantly improved so as to reduce its unintended and unnecessary overbearing impacts upon neighbouring residents. We note those impacts were clearly identified to DLRCC in Observations and should have been properly addressed by DLRCC had it performed its statutory planning role professionally and responsibly.

As outlined in detail below, we also believe that the Applicants recognised that DLRCC's Grant of Permission had created a fundamentally unstable and uncertain planning position because astonishingly having essentially rejected the application made in respect of the rear extension, DLRCC sought major changes to the proposed development but amazingly never sought a clear or definitive set of dimensional plans to examine and record precisely what they were actually permitting to be built – DLRCC failed to satisfy the requirements of **Articles 22 and 23 of the Planning and Development Regulations 2001**, as amended, including the express requirement under **Article 23(1)(f)** that floor plans, all elevations and sections indicate in figures the principal dimensions, including the overall height, of the proposed structure, its principle features including the location and size of all doors and windows etc and that the site or layout plan identify its distances from the site boundaries.

That uncertainty had consequences not only for neighbouring residents but also for the Applicants and the Subject Property itself any Enforcement Action and indeed ACP as there are simply no dimensional drawings on DLRCC's file showing what may be constructed. However DLRCC's errors do not stop there and cannot be cured by simply seeking a drawing to reflect what DLRCC purportedly permitted as the changes required by DLRCC were material and "significant" within in the meaning of Article 34 of the Planning and Development Regulations 2001 – see section 13 and when the footprint and drawings of original proposal are compared with footprint of the now scaled down version which evidently addressed the overbearing impacts on residents but also took on board the major changes required by DLRCC – See section 13

As confirmed to us by Property Developers, Estate Agents, Chartered Surveyors, Lawyers and members of the Irish Planning Institute within our community, that uncertainty created by DLRCC failure to request new drawings (and to deal with them as Article 34 requires) has the potential to adversely affect the future saleability and the value of the Subject Property.

As DLRCC's planning file contains no definitive set of dimensioned drawings showing the development purportedly authorised by its decision, a future purchaser's solicitor would be unable to certify that any development constructed pursuant to that permission was in compliance with the plans and particulars held on DLRCC's planning file – as there are no plans showing what was supposedly permitted.

A planning permission without a set of plans illustrating what the consent actually permits is meaningless and an absurd outcome from a State Planning Body.

In the absence of being able to provide such certification, a purchaser's legal advisers would be forced to conclude that the works amount to an unauthorised development and consequently exposed to enforcement proceedings and, ultimately, if required, demolition by Court Order. It also the case that even if the 7 year rule applied and Court action was Statute barred the resultant development would remain capable of being classified as an unauthorised / illegal development and would taint the good and marketable title of the Subject Property which is an unacceptable outcome for a State Planning body to inflict on a citizens home. A future purchaser would our experts advise discount the asking price accordingly to address the risk rectification would be required and or resisted and defended in Court at a later date by a planning authority withholding consent for future works until a Court determination that the extension was unauthorised was addressed.

This is an astonishing position to have arisen from a formal Grant of Planning Permission: that there are simply no complete dimensioned drawings on DLRCC's file showing the development which its decision purports to authorise.

The permission is therefore highly unsatisfactory and inherently unstable. In the view of our professional team DLRCC grant of Permission therefore should be overturned by ACP. In the extremely unlikely event that the Applicant does not as agree withdraw their planning application and DLRCC grant of Permission rendered terminated and in the event that ACP failed to address these fundamental defects, our experts advise that a further Judicial Review would result in the permission being quashed – Their clear view — which, in this instance, is also a matter of basic common sense — is that the High Court could not allow a planning permission to stand where there is no definitive set of dimensioned drawings showing precisely the development purportedly authorised by that permission.

This is a deeply unsatisfactory position for both the residents and the Applicants to have been placed in and arises solely because of DLRCC's failure to manage the planning process properly.

A further troubling aspect of these matters is when the Applicants' redesigned proposal presented to residents is compared with the photomontage of the original development, as shown in [Section 13](#) below, it is immediately apparent that the original design would have had an unnecessary and significantly greater overbearing impact upon adjoining families.

It was DLRCC's statutory role to identify and properly address those impacts through the planning process highlighted in Observations and they should have dealt with these matters as the Applicant has now done in their redesigned scheme.

DLRCC failed to do so.

The result was that residents were advised that one, and potentially two, Judicial Review proceedings could be required to deal with DLRCC's failures.

The first Judicial Review has now been completed. The High Court Order has restored the Observers' right to appeal DLRCC's decision and has therefore placed ACP in the position of now considering the more fundamental defects in that decision through the statutory appeal process.

A copy of the High Court Order supporting this submission is attached at Appendix 1.

There are, however, far more fundamental errors and omissions in DLRCC's handling of this application than its failure to issue the required statutory notifications.

Counsel and Solicitors advising the residents explained that those matters could not properly be dealt with in the first Judicial Review because of the Courts' established approach of "remitting", or effectively resetting, a planning process to the point at which the first legal error occurred.

The effect of the High Court Order is therefore to restore the Observers' appeal rights and permit ACP to consider those more serious and fundamental defects through the statutory planning appeal process.

Those defects are, in our opinion and in the opinion of our lawyers and professional advisers, so fundamental to the validity, clarity and operability of the permission that ACP should reject DLRCC's Grant of Permission and refuse the development if the application is not first withdrawn, as the Applicants have now indicated they intend to do once the ACP appeal has been opened.

As ACP will be aware, the Courts generally seek to minimise unnecessary intervention by Judicial Review where matters can properly be addressed through the statutory planning appeal process.

Now that the Observers are once again entitled to appeal to ACP, the potential need for a second Judicial Review should arise only in the extremely unlikely event that the Applicants do not proceed as agreed at the meeting held on Monday, 17 August 2026.

At that meeting, the Applicants indicated that they would withdraw the current planning application once the ACP appeal process had been opened by the Observers and would instead submit a fresh

planning application for the new design presented at the meeting, subject to one relatively minor alteration discussed and substantially agreed: namely, that the plinth/height of the wall adjoining the party wall with No. 11 Longford Terrace would be lowered by at least 200mm with a target to reduce it by 600mm.

If, contrary to that agreement, the existing application remains before ACP, we have been advised that the defects in DLRCC's decision are so fundamental that ACP should reject the Grant of Permission. In the highly unlikely event that ACP were to uphold a permission affected by those defects, residents have been advised that a further Judicial Review would then become necessary.

In order to cancel or supersede DLRCC's defective Grant of Permission, we have been advised that it is necessary to file this appeal, following which the Applicants can respond by formally withdrawing their application.

We therefore consider it important to make clear to ACP at the outset that, provided the Applicants proceed in accordance with what was agreed on 17 August 2026, this case should be capable of being terminated quickly and ACP's involvement kept to the absolute minimum necessary.

Part 2

The principal errors made by DLRCC are set out below.

1. The Background to the Judicial Review and the appeal is now before ACP

As outline above this objection is being submitted on foot of a High Court Order dated XXX following Judicial Review proceedings arising from DLRCC's failure to notify the original Observers that it had made its decision to grant certain elements of the application and refuse others.

The background to that JR arose from the fact that DLRCC did not notify the Observers that a decision had been made. As a result the Observers were completely unaware that the statutory period within which they were entitled to appeal to ACP had begun to run.

They only discovered that a decision had been issued after that appeal period had expired. We wrote to ACP and the responded stating that they were unable to process the appears notwithstanding DLRCC staff had acknowledged and admitted this error to the Observers in writing.

Notwithstanding that admission, DLRCC made no effective attempt to remedy the consequences of its own mistake or restore the statutory appeal rights which its failure had denied to residents. They could

have remedied their own mistake by applying to the Court to restore the Observers rights but chose to deny them.

The Observers were therefore left with no alternative but to retain lawyers and commence Judicial Review proceedings in the High Court in order to recover a legal right which should never have been taken from them in the first place.

The High Court has now restored those rights.

The Court also ordered that the legal costs incurred by the Observers in having to take those proceedings be paid by DLRCC.

The entire episode therefore represents an extraordinary and entirely avoidable waste of the time and resources of the High Court and of the residents who were compelled to retain and fund lawyers and other professional advisers simply to generate a case to restore a statutory right which DLRCC had wrongly denied them.

Now that the residents have been awarded their full costs, the financial consequences of DLRCC's error will ultimately fall upon the taxpayers and citizens who fund DLRCC through property taxes and other public revenues. Those costs are substantially greater than they would have been had DLRCC's Law Agent, a publicly salaried official, simply acknowledged the Council's admitted error and applied to the Court for an Order restoring the Observers' statutory right of appeal.

The prolonging of the process and the fact that DLRCC forced residents in to hiring a legal team to deal with major an error which DLRCC had already admitted in writing was not only unnecessary, but resulted in significantly greater legal costs being incurred at public expense and is a disgrace.

None of this should ever have been necessary if the Law Agent had performed its public functions effectively and efficiently and acted to save the tax payers who fund DLRCC a significant sum of money to deal with the admitted errors made by DLRCC.

A copy of the High Court Order which now enables this objection and appeal to be submitted to ACP is attached.

2. The Applicants themselves now accept the substance of the residents' concerns in the Observations to DLRCC and have redesigned the development and intent to apply for consent.

Another reason this objection is unusual is that the Applicants and their professional team now substantially agree with the central concerns raised by this Association and other parties during the original planning process.

Those concerns were that the proposed rear extension would cause unnecessary and unacceptable impacts upon adjoining occupiers, including an overbearing physical impact and we will illustrate later a significant additional shadowing of the neighbouring properties.

Those concerns were not speculative.

Following further engagement with residents and their professional advisers, the Applicants have now redesigned their scheme specifically to remove or substantially mitigate those impacts while preserving an extension which they themselves remain satisfied to construct.

A copy of the drawings for the redesigned scheme, provided to our members by the Applicants and discussed at the meeting between the Applicants, their professional advisers, representatives of this Association and our own professional advisers on Monday, 17 August 2026, is reproduced later in this submission.

The Applicants also indicated that the design would be refined further by lowering the plinth adjoining the dividing wall with No. 11 Longford Terrace so that it would be at, or close to, the height of the existing dividing garden wall.

The reduction discussed was in excess of 200mm with a target to reduce it by up to 600mm.

That further alteration is important because it reduces still further the unnecessary physical impact of the proposed extension upon the adjoining property.

The Applicants indicated at the meeting of 17 August 2026 that they intend to seek planning permission for this substantially revised scheme and, following the submission of this appeal and the other objections necessary to bring the existing permission to an end, formally withdraw the original proposal made under Ref. D26A/0068, which is the subject of this appeal.

If the Applicants proceed as agreed at that meeting, and the final plans and plinth reduction submitted accurately reflect the agreement reached on 17 August 2026, this Residents Association and we believe none of 109 members do not intend to object to the new application. Based upon the discussions to date amongst the community, we believe that none of our members will have grounds to object to it.

That is an important point.

The objective of this appeal is we stress not to prevent development at No. 10 Longford Terrace. The 109 residents represented by this Association are themselves owners of Protected Structures in and around Monkstown Village. We strongly support the principle that owners of these family homes should be entitled to adapt, extend and improve their properties to meet their reasonable needs, provided that such works do not cause unnecessary adverse impacts upon adjoining residents and are carried out in a manner consistent with the statutory Architectural Heritage Protection Guidelines for Planning Authorities and, where relevant, established conservation best practice, including guidance published by the Irish Georgian Society and the guidance of RIAI registered Conservation Architects.

Our position is therefore not one of opposition to change or development. It is that alterations to Protected Structures should strike a fair balance between allowing owners to use and improve their homes and protecting both neighbouring residential amenity and the special architectural character of the structures concerned.

It is solely to ensure that development is carried out in a fair, properly assessed and professionally designed manner which allows the Applicants to extend their property without imposing unnecessary harm upon their neighbours.

The Applicants have now demonstrated that such an outcome is entirely achievable.

3. The subsequent redesign by the Applicant exposes the seriousness of DLRCC's failure to assess the original proposal properly

A further, and perhaps most disturbing, feature of this matter is what the subsequent redesign demonstrates about DLRCC's assessment and determination of the original application.

The clearest evidence is now provided by the Applicants themselves.

Since the original planning application was made, the Applicants and their professional advisers have engaged with the residents' professional advisers and have accepted that the original design required substantial alteration in order to address its impact upon adjoining occupiers.

The revised plans reproduced late in this submission — and now being developed into a new planning application — demonstrate how those impacts can be mitigated.

In particular, the Applicants have materially lowered both the height of the proposed rear extension and its roof profile in order to address the overbearing impact and shadowing which were central to the residents' objections.

That redesign is powerful evidence of the inadequacy of DLRCC's original assessment which ignored the concerns raised in Observations.

The function of DLRCC as Planning Authority is not merely to process applications administratively.

It is required to assess whether proposed development represents proper planning and sustainable development and, critically in a tightly constrained residential setting of conjoined Terrace homes such as this, to ensure that development does not impose avoidable and unreasonable impacts upon adjoining occupiers.

In this case, DLRCC failed to perform that function properly.

The contrast could hardly be clearer.

Residents and their professional advisers identified that the original proposal was excessively overbearing and would cause unnecessary shadowing of neighbouring homes.

DLRCC nevertheless proceeded to grant permission for a fundamentally uncertain version of the development without addressing or even mentioning the evident overbearing impacts on neighbouring family homes.

Subsequent discussions between the Applicants and residents have now produced a materially lower and less intrusive scheme which addresses the very problems DLRCC ignored and failed to resolve.

The agreement now reached between the Applicants and residents therefore does more than demonstrate that an amicable solution is possible.

It demonstrates that the adverse impacts which DLRCC was prepared to permit were not necessary at all.

A substantially less harmful design was achievable while still allowing the Applicants to secure the extension which fully meets their needs and which they wish to now construct.

Had residents not challenged DLRCC's decision, they could therefore have been left facing years of unnecessary loss of amenity — including increased shadowing, reduced daylight and sunlight and an overbearing built form — despite a far fairer design solution being readily achievable.

That would have been an extremely poor planning outcome and one which the planning system should have prevented, rather than one which residents themselves were ultimately forced to correct.

4. DLRCC's decision itself is fundamentally defective and incapable of providing a stable or intelligible planning permission

While the current application had a very negative potential impact upon adjoining families which DLRCC failed adequately to address — and which the Applicants have now, thankfully, addressed in their forthcoming application, as illustrated in Section 13 — DLRCC also made a number of serious and fundamental errors in processing the application which has rendered the permission granted fundamentally unstable, uncertain and, in practical terms, incapable of proper implementation.

A compelling demonstration of DLRCC's failure to deal with this application in a professional and coherent manner is therefore found in the decision itself.

Although the High Court proceedings have now restored the Observers' ability to appeal that decision to ACP, the underlying Grant of Permission remains profoundly defective.

In our submission, it is incapable of meeting the standards required by the Planning and Development Acts, the requirements applicable to development affecting a Protected Structure, including the Architectural Heritage Protection Guidelines, or the basic professional standards which should govern the determination of a planning application.

The permission is therefore incapable of surviving proper scrutiny by ACP and, if necessary, further Judicial Review.

The reasons for that conclusion are set out below.

Fundamental uncertainty as to the development purportedly permitted

We submit that permission should be refused because the Planning Authority's decision does not identify with the necessary degree of precision the development which has purportedly been permitted.

This is not a minor drafting deficiency or a matter of construction detail capable of being resolved after permission has been granted.

It goes to the very identity, scale, form, footprint and extent of the development authorised by the decision.

5. DLRCC materially altered the development submitted under D26A/0068 and created unacceptable uncertainty in a matter which should be absolutely clear: what exactly does the permission allow to be built?

The application was accompanied by drawings depicting a substantial extension with defined side and rear elevations.

However, in deciding to grant permission, DLRCC required significant alterations to those elevations.

Most remarkably, having rejected substantial elements of the original design and required one entire side element to be deleted, the rear elevation to be materially reduced in size, and substantial portions of the proposed rear development to be removed, DLRCC did not require the Applicants to submit a complete set of revised dimensioned drawings showing how the radically altered building would actually look and function.

The alterations required by DLRCC materially affect the physical form of the extension and consequently matters including its:

- height and massing;
- side and rear elevations;
- footprint;
- relationship with adjoining properties;
- relationship with site boundaries;
- separation distances;
- roof form and profile;
- visual impact;
- related impacts of overshadowing and loss of daylight; and
- impact upon the Subject Property, which is a Protected Structure, its setting, and the adjoining and identical Protected Structures and family homes on either side.

No revised drawings were sought by DLRCC or produced showing the footprint of the development, the placement of openings, the altered heights, dimensions, elevations, roof form, relationship with boundaries or the other fundamental characteristics of the development which DLRCC purported to permit.

The result is a permission from which it is impossible to establish, with the certainty required by the Planning and Development Regulations 2001, precisely what dimensions or footprint of building may

lawfully be constructed or what the rear and side elevations of the building should physically look like when completed.

As a result, DLRCC effectively granted permission for a development which neither it, the residents nor, importantly, the Applicants themselves had a complete and definitive dimensional and graphical record of.

A builder, enforcement officer, ACP, owner, purchaser, architect or any other person should be able to pick up the set of approved plans supporting a Grant of Planning Permission and understand from looking at those drawings exactly what the permission authorises to be built.

That is one of the most basic and fundamental requirements of a Grant of Planning Permission.

The fact that DLRCC failed to ensure that standard was met in this case — and, we understand, in another case now before ACP — is astonishing and, in our submission, legally and professionally unacceptable.

6. There is a fundamental difference between a planning decision requiring a particular door or window to be removed or inserted and a planning decision which effectively rejects the form and substantial parts of the design submitted and then seeks, through written conditions, to redesign the fundamental form and footprint of the building.

Where a planning authority requires changes of that magnitude, it should require revised dimensioned drawings showing precisely what is proposed following those changes so that the Applicant, their building contractor, the Planning Authority, neighbouring residents and any future enforcement officer all understand precisely what is permissible to construct.

Nor is it the role of a planning authority to design a building.

Its role is to assess a clearly defined development presented to it through plans, elevations, sections and other required particulars.

Where the scheme before it requires fundamental redesign, the proper course is to require the Applicant to produce that revised design for assessment.

That did not occur here.

7. What exactly has been permitted? - DLRCC failed to satisfy the requirements of Article 22 – 23 of the Planning & Development Regulations 2001 - There is no definitive drawing of the development actually permitted. The only drawings on file show a development which the

Planning Authority itself determined should not be constructed in the form proposed and on file.

This creates a fundamental problem.

DLRCC decision significantly modifies that development by deleting an entire side element of the proposal and a substantial part of the rear elevation, yet there is no corresponding set of revised plans, elevations and sections showing the resulting building.

DLRCC therefore failed to satisfy the requirements of **Articles 22 and 23 of the Planning and Development Regulations 2001**, as amended, including the express requirement under Article 23(1)(f) that floor plans, elevations and sections indicate in figures the principal dimensions, including the overall height, of the permitted structure, footprint, site layout and distances from boundaries be included in a consent to support it.

Article 23, also requires the particulars necessary to describe the proposed works including the materials to be used in external finishes and openings and there is no plan showing the final outcome and profile of the rear of the extension or the original return following DLRCC rejection of the plans submitted and their radical reworking of the proposal made.

As a result the permission does not provide sufficient graphical and dimensional certainty required by Articles 22 – 23 of the as to:

- the definitive footprint of the permitted structure;
- the final rear and side elevations;
- the precise height and profile of the altered extension;
- its dimensions;
- its relationship and separation distances from relevant boundaries and adjoining properties; or
- the location and form of the external doors and window openings.

There are no definitive external door or window openings shown on any complete set of revised plans following DLRCC's requirement to delete substantial portions of the rear and side elevations.

Nor was there a sufficiently precise direction from DLRCC establishing exactly how much of the proposed projection into the rear garden was to be removed or scaled back.

Those matters should not have to be reconstructed by an owner, neighbour, architect, builder, purchaser, ACP or enforcement officer attempting to interpret written conditions against drawings depicting a materially different development, substantial portions of which DLRCC itself rejected.

A planning permission for a substantial extension must be capable of being understood and implemented objectively from the permission itself and from the dimensioned drawings and particulars incorporated into it.

8. We believe the Applicants, also appear to recognise that DLRCC's decision created considerable uncertainty.

One element of their decision to withdraw the application made under D26A/0068 and submit a new and revised application (see section 13) is we believe, the fundamental uncertainty arising from the fact that the planning file contains no definitive set of plans reflecting the removal of the substantial elements of the original scheme which DLRCC considered unacceptable.

9. As noted earlier the uncertainty potentially prejudices the Applicants and the future saleability and value of the Subject Property

This uncertainty has implications for the Subject Property itself as well as for neighbouring residents.

Any future purchaser will reasonably wish to establish whether works constructed at the property correspond with the planning permission granted and with a defined set of approved drawings.

In this case, that straightforward question cannot be answered satisfactorily because DLRCC's file simply contains no definitive set of dimensioned plans showing the complete building which it purported to authorise.

As stated at the outset, Property Developers, Estate Agents, Chartered Surveyors, Lawyers and members of the Irish Planning Institute within our community have confirmed to us that this uncertainty had the potential to adversely affect the future saleability and value of the Subject Property.

A future purchaser's solicitor would reasonably seek evidence that the development as constructed complied with the permission and with the plans and particulars forming part of that permission.

However, there is no definitive set of dimensioned drawings on the DLRCC file showing the development which DLRCC purported to permit.

A purchaser's solicitor could therefore be unable to certify that the development constructed was in compliance with the relevant approved plans and particulars.

In the absence of being able to provide such certification, the purchaser's legal advisers could be forced to treat the development as potentially unauthorised and therefore potentially exposed to planning enforcement proceedings and, if ultimately required, demolition pursuant to Court Order.

That is an entirely unsatisfactory position for the owner of the Subject Property to face and further demonstrates why the planning permission itself must clearly identify and graphically define the development authorised.

8. This uncertainty directly prejudices neighbouring property owners

The absence of definitive revised drawings is particularly serious because the alterations concern precisely those elements of the development which determine its effect upon neighbouring residential amenity.

Without dimensioned revised elevations, plans and sections, adjoining owners cannot reliably establish the final height, depth, massing, boundary relationships or physical envelope of what has been permitted.

They therefore cannot properly determine the extent of the development's potential impact upon daylight, sunlight, outlook, privacy or visual amenity.

Equally importantly, if development commenced, neither neighbouring owners nor the Planning Authority's enforcement section would have an unambiguous approved drawing against which the works could be measured.

That is an inherently unsatisfactory basis upon which to grant permission for a substantial extension.

9. The deficiencies cannot properly be left to post-permission interpretation as the changed made by DLRCC were so 'significant' a set of new plans should have been sought under a Request for Further Information which given the significant nature of the changes required compelled DLRCC under Article 34 of the Planning & Development Regulation's 2001 to reopen the file for comment by the original observers.

DLRCC clearly and evidently rejected the Applicants original submission.

The Appellant respectfully submits that these are not matters of minor detail which can safely be resolved by compliance submission or informal agreement following the grant of permission.

There is an important distinction between a condition requiring agreement on finishing details, the placement of window of a door compared to a decision which leaves unresolved the fundamental dimensions, elevations, footprint and physical envelope of the development itself.

The latter determines what development has actually been authorised.

Where significant amendments to a proposed building are necessary before that building is acceptable in planning terms, the appropriate course is to require sufficiently detailed revised drawings so that the decision-maker, prescribed consultees and affected members of the public can understand the development being assessed.

That did not occur here.

ACP is therefore respectfully requested not to perpetuate the uncertainty created by the Planning Authority's decision by attempting to reconstruct a new development from the original drawings and the wording of the conditions.

9.1 DLRCC's approach also denied the public and its own Conservation Officer the opportunity to assess the materially altered development – and its clear DLRCC evaded the requirements of Articles 34 and 35 of the Planning & Development Regulations 2001

It is also a very serious issue for a planning authority to embark upon a radical alteration of a proposed development while avoiding placing the resulting materially changed scheme back before the public for examination and comment.

Such an approach fundamentally undermines the openness, transparency and integrity required of the planning process.

A planning authority cannot invite or require major alterations to a development and then deprive existing Observers — or indeed its own Conservation Officer — of the statutory and regulatory opportunity and obligation under the Planning Acts and the Architectural Heritage Protection Guidelines to consider and comment upon the materially revised scheme by treating substantial alterations as though they were merely minor drafting amendments.

In this case, the changes required by DLRCC plainly constituted significant alterations to the development.

Had the required revised plans actually been produced, **Article 35 of the Planning and Development Regulations 2001** would, in our submission, have required renewed public participation because the radically altered design required by DLRCC would have constituted “*significant additional data*”.

Article 34 expressly provides a mechanism whereby, where a planning authority is minded to grant permission but considers that the development requires significant modification, it may and in fact evidently should invite the Applicant to submit revised plans or drawings.

That mechanism exists for obvious reasons: without revised plans, the type of fundamental uncertainty which has arisen in this case is created as to what development is actually being assessed and what may ultimately be built.

Article 35 then provides that, where revised data and or plans submitted contain “*significant additional data*”, the planning authority must trigger further public participation.

That procedure requires, among other things:

- the Applicant to publish a “Revised Plans” or “Further Information” newspaper notice;
- a new site notice to be erected;
- the revised plans and information to be available for public inspection;
- members of the public to be given an opportunity to make submissions on the revised proposal; and
- importantly, every person who made a valid submission or observation on the original application to be notified that significant revised plans have been submitted and informed that they may make a further submission.

“Significant changes” have been considered by the Courts and, unsurprisingly, include changes affecting one or more of the following matters:

- the size, height or footprint of an extension;
- its roof form;
- changes to elevations;
- its distance from neighbouring boundaries;
- overlooking;
- potential effects upon daylight or overshadowing;
- its relationship with neighbouring property;
- its appearance or architectural treatment; and
- its impact upon a Protected Structure or Architectural Conservation Area.

In this case, not merely one but most of the above triggers grounding the need to deal with these changes as “significant changes” were tripped by DLRCC.

It is therefore clear that DLRCC considered substantial elements of the submitted extension unacceptable and required major alterations to its form.

9.2 A properly administered planning process in this case had only two obvious procedural routes and DLRCC followed neither:

1. **Require the Applicant to submit complete revised and dimensioned drawings showing the altered development.** Where those changes constituted significant additional data, the revised scheme should then have been advertised, made available for public inspection and notified to the original Observers so that they could comment upon it.
2. **Refuse the proposal and require the Applicant to submit a fresh planning application containing a coherent and acceptable detailed design.**

Instead of maintaining the openness, transparency and integrity of the public planning process, DLRCC deleted substantial parts of the submitted design through conditions while never requiring a complete set of revised drawings showing precisely what the resulting development would actually look like.

The residents whom the planning system is intended to protect from unnecessary adverse impacts were therefore deprived of any opportunity to examine and comment upon the actual physical form of the substantially altered development.

10. The failures in this case are considerably more serious because the development concerns a Protected Structure. DLRCC issued a decision purporting to permit a radically altered scheme without first obtaining the revised drawings necessary to show clearly what the permitted development would actually look like. As a result, the development ultimately authorised was never properly reviewed by the Council’s Conservation Officer, who has no definitive record of precisely what works could lawfully be carried out to the Protected Structure and no proper basis upon which to assess the impact of those works on the adjoining Protected Structures.

The uncertainty identified above would be serious in any planning application.

It is particularly unacceptable where the development affects a Protected Structure.

The planning system imposes an enhanced responsibility to assess carefully development affecting Protected Structures, their character and their setting.

The proposed extension is therefore not simply an alteration to an ordinary dwelling.

Its design, scale, massing, materials, junctions, elevations and relationship with the historic building are matters requiring specific architectural conservation consideration.

In this case, the Planning Authority required substantial alterations to the scheme but failed to obtain revised drawings illustrating those alterations.

Even more significantly, the revised scheme resulting from those alterations was not referred back for the conservation assessment which should have informed the Planning Authority's consideration of development affecting the Protected Structure.

DLRCC did not obtain revised drawings and, as a result, there was no opportunity for either the Observers or the Council's own Conservation Officer to assess the development in the form ultimately purported to have been permitted.

This is particularly serious given the requirements of the Architectural Heritage Protection Guidelines.

The role of the Conservation Officer was to assess the impact of the development permitted, including any materially redesigned structure, upon the Subject Protected Structure, its setting and the adjoining Protected Structures.

Yet the Conservation Officer was never presented with — nor, did the Conservation Officer seek — a definitive set of revised plans showing what DLRCC ultimately purported to permit.

The Conservation Officer therefore failed to assess and document, in accordance with the Architectural Heritage Protection Planning Guidelines, the impact of the development in the form actually purported to have been authorised.

The Conservation Officer's report on file demonstrates concerns regarding the original proposal and sought material changes to it, but no revised plans were subsequently sought upon which the impact of those changes could properly be studied and assessed. The Conservation Officer ultimately express grave concerns but never followed up and satisfied themselves those concerns had been properly address and documented on a set of plans and particulars which satisfied the requirements of the Heritage Protection Guidelines.

The conservation assessment therefore did not address the building which the Planning Authority ultimately purported to permit – which is ultimately the role of Conservation Officer.

That is a fundamental deficiency which coupled with the absence of clear set of plans and other errors the High Court in further JR would find unacceptable.

11. ACP cannot safely be satisfied as to the effect upon the Protected Structure

Without a complete set of revised drawings and the required conservation assessment of those drawings, there is no adequate evidential basis upon which ACP can safely conclude that the development ultimately contemplated by the Planning Authority would preserve the character and special interest of the Protected Structure.

The absence of that assessment is especially significant where the Planning Authority itself considered the originally submitted elevations sufficiently problematic to require substantial alteration.

Those alterations necessarily raise a further question:

What is the architectural and conservation impact of the altered scheme?

That question was never properly answered because the altered scheme was never reduced to a definitive set of drawings and subjected to the appropriate conservation review.

ACP should not be required to speculate as to that impact. It is also the case that ACP does not employ any Conservation experts and the inspectorate – disgracefully has not even been provided with an external panel to consult with on these matters. DLRCC Conservation Officer should have reviewed these cases properly and failed to do.

12. This is not an appropriate case in which to attempt to cure the deficiencies by imposing further conditions. The changes required by DLRCC were so material, and the defects in the process so fundamental, that they cannot reasonably be treated as matters of detail capable of being corrected on appeal. The absence of a definitive set of revised plans, the failure to reopen the process so that the original Observers could examine and comment upon the radically altered scheme, and the absence of a proper conservation assessment together amount to far too many serious procedural and substantive failures for ACP to be expected to reconstruct or “clean up” the permission through the appeal process.

The Appellant respectfully submits that the appropriate outcome is refusal rather than the attachment of further conditions requiring drawings to be agreed following the grant of permission.

Doing so would merely transfer the determination of fundamental aspects of the development from the planning application process to a subsequent agreement between the developer and Planning Authority.

In circumstances where the outstanding matters concern the fundamental form, dimensions, footprint and elevations of a substantial extension to a Protected Structure, they should be determined before, rather than after, permission is granted.

ACP should be able to identify from the documents before it precisely what development it is being asked to authorise and should be satisfied, on the basis of an appropriate conservation assessment, that that particular development is acceptable.

Neither requirement has been met.

None of the basic and fundamental attributes which should be captured by a planning application and Grant of Permission have been properly recorded by DLRCC.

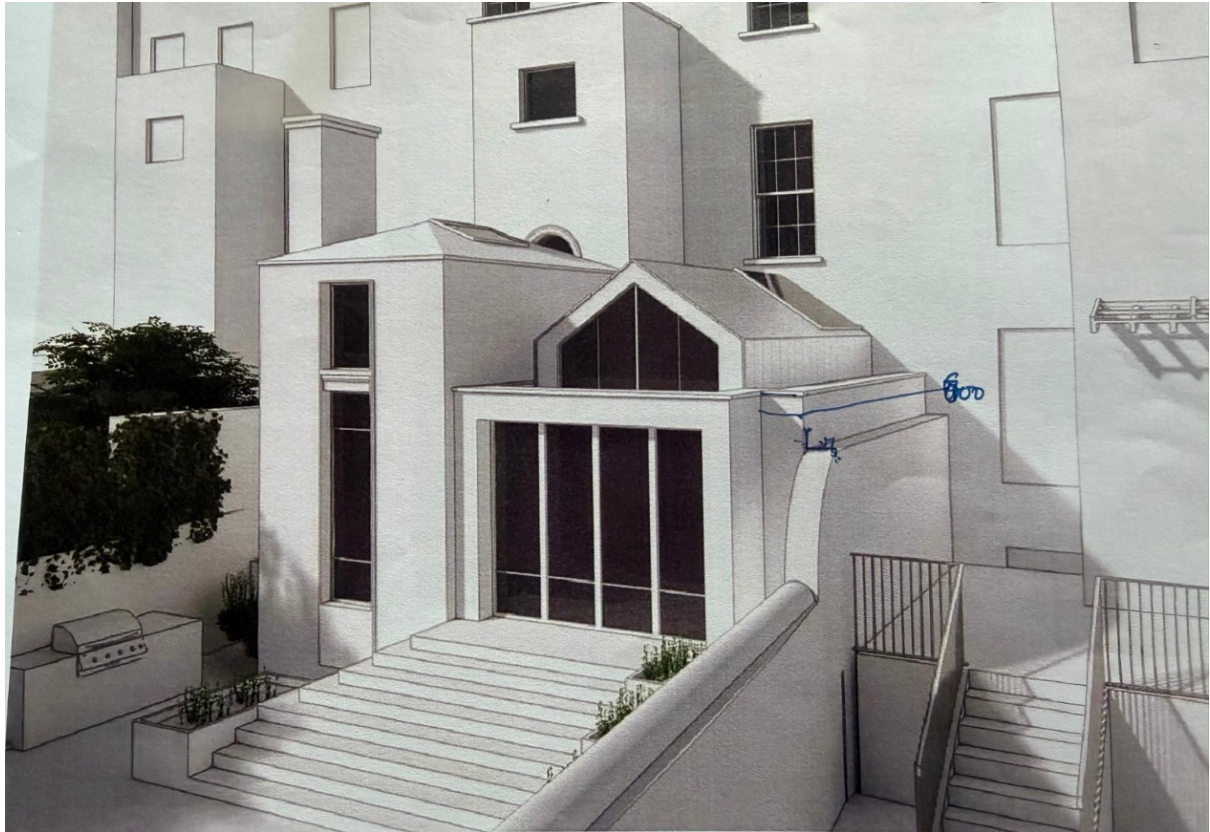
DLRCC has purported to grant permission for a development for which it does not possess a complete set of dimensioned drawings; where there is fundamental uncertainty as to precisely what the footprint, rear elevation and side elevation should look like; and where no proper conservation assessment was carried out on the materially altered development as required by the Architectural Heritage Protection Guidelines.

That fundamentally undermines the integrity and operability of the permission.

13. The Applicants' substantially redesigned proposal demonstrates that a far less harmful development is achievable

The new development proposed by the Applicants at the meeting with residents is illustrated by the photomontage provided by the Applicant below.

The plinth adjoining the garden wall with No. 11 shown below is to be lowered by approximately 200mm in accordance with the matter discussed and substantially agreed at the meeting of 17 August 2026.



The prior development proposed by the Applicants had a substantially greater overbearing impact upon the neighbouring family and the total roof height to the rear was considerably higher than the proposal now intended to be submitted.



14. The proposal made under D26A/0068 would have resulted in shadowing of the rear rooms, windows and outdoor patio and barbecue area of No. 11 Longford Terrace and a material loss of daylight

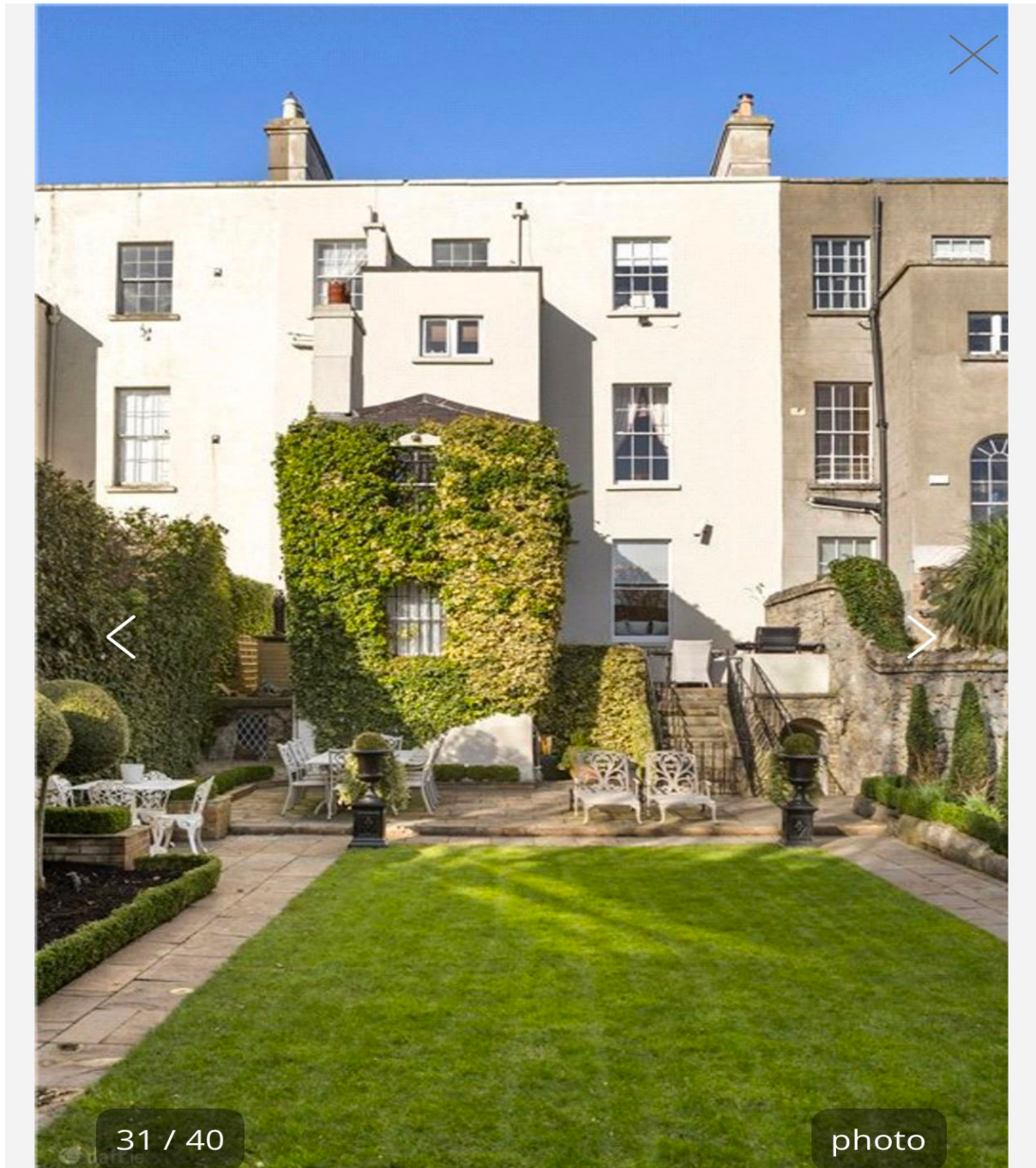
The Subject Property was marketed for sale and sold to the Applicants in 2025.

The marketing and sales brochure which is still on line - contains a photograph showing the rear of the Subject Property on a sunny day.

The existing return is clearly visible in the photograph below and already casts shadow across the rear rooms and patio seating area of the Subject Property.

It follows that infilling the area between that existing return and the adjoining wall with No. 11 Longford Terrace with the substantially larger extension originally proposed would inevitably shift a material degree of that shadowing towards No. 11.

The original proposal would therefore have resulted in an unacceptable and unnecessary loss of daylight and sunlight to No. 11 and would have imposed a substantially more overbearing built form upon the adjoining family home.



As noted earlier, the Applicants have now taken on board the unnecessary impacts of the original proposal upon neighbouring properties.

That is very welcome.

However, identifying, assessing and preventing such unnecessary impacts was properly a function which DLRCC should itself have performed through the planning process.

The fact that the Applicants and residents have subsequently succeeded in substantially agreeing a much improved design demonstrates that those impacts were capable of being avoided and should not have been permitted in the first place.

15. The history of the Residents Association demonstrates how exceptional this objection is

As noted this Association represents 109 residents and was formed by combining two Residents Associations in Monkstown Village which were themselves established more than 25 years ago.

During that entire period, neither the Association nor, to our knowledge, its members have previously objected through the planning process to works proposed by residents of Longford Terrace.

This is because one of the fundamental understandings which all agreed and has existed amongst residents for the past 25 years is that, where a resident proposes substantial works to their home, they will discuss those works with adjoining neighbours and avoid unnecessary adverse impacts upon them.

That approach has worked successfully for more than a quarter of a century, and the Applicants' newly redesigned proposal thankfully demonstrates that they now share the wider community's commitment to this fair and honourable principle.

It is precisely because of that long-established culture of cooperation that neither this Association nor its members have previously considered it necessary to object to planning applications for works on Longford Terrace.

The current application was different.

The original proposal raised genuine and substantial concerns amongst our membership regarding its overbearing scale, height and the shadowing it would cause to adjoining properties. It was also considered capable of creating an undesirable precedent for future development on the Terrace.

Those concerns were shared not merely by residents but by their professional conservation architects, JSA Architects.

Those concerns remained unresolved when the original application was submitted and, critically, they were not adequately addressed by DLRCC during its assessment of the application.

The revised design which the Applicants have now produced demonstrates that it was entirely possible to balance the Applicants' reasonable desire to extend their home against the legitimate interests of adjoining occupiers.

In our view, DLRCC failed in its statutory role and responsibility to achieve that balance and failed to prevent unnecessary and avoidable adverse impacts upon neighbouring residents.

The fact that the Applicants themselves have now substantially redesigned the scheme to address precisely those concerns demonstrates that the residents' objections were well founded from the outset.

Conclusion

DLRCC's decision has produced a highly unsatisfactory, fundamentally obscured and confused planning position whereby the drawings lodged with the application show one development, the conditions attached to the decision require a materially different development, yet no definitive set of dimensioned drawings exists showing the development which DLRCC's decision actually purports to permit.

That serious deficiency is compounded by the fact that the development affects a Protected Structure, yet the materially altered scheme resulting from DLRCC's conditions was not subjected to the conservation assessment and review which the Conservation Officer was required to undertake.

It should not be necessary for ACP, neighbouring property owners, the Applicants, architects, builders, purchasers or future enforcement officers to attempt to design, interpret or reconstruct from written conditions a building which the Applicants have never actually drawn in the form purportedly permitted.

Nor should the owner of a property benefiting from a Grant of Planning Permission be placed in a position where a future purchaser's solicitor may be unable to establish by reference to the planning file that the development constructed corresponds with a definitive set of approved dimensioned drawings.

These are not technical, peripheral or insignificant deficiencies.

They go directly to:

- the fundamental identity and physical extent of the development purportedly permitted;
- the ability of affected residents and other parties to understand and assess its impacts;
- the ability of the Applicant and its building contractor to know precisely what may lawfully be constructed;
- the ability of a future purchaser and their solicitor to establish that the development constructed complies with the permission;

- the future saleability and potentially the value of the Subject Property;
- the ability of the Planning Authority to determine whether what is ultimately constructed complies with the permission;
- the ability of the Planning Authority to enforce that permission;
- the proper assessment of impacts upon neighbouring residential amenity, including daylight and sunlight;
- the transparency and integrity of the public participation process; and
- the proper protection of an important Protected Structure, its setting and the adjoining Protected Structures.

The subsequent events make the position particularly stark.

Residents and their professional advisers warned from the outset that the original proposal was unnecessarily overbearing and would adversely affect neighbouring amenity.

DLRCC failed adequately to resolve those concerns and instead issued a permission which sought to alter substantial elements of the development through conditions without first requiring the production of a coherent, complete and dimensioned set of revised architectural drawings.

The Applicants themselves have since engaged constructively with residents and their professional advisers and have produced a substantially improved design which materially reduces the height and overbearing effect of the proposed extension and addresses the shadowing concerns which formed the basis of residents' objections.

The revised proposal demonstrates that the adverse impacts associated with the original scheme were not an unavoidable consequence of allowing No. 10 to be extended.

They could be substantially mitigated through proper design.

That is precisely the outcome which the planning process should have produced in the first instance.

It also demonstrates why DLRCC's decision was so unsatisfactory.

DLRCC sought to resolve fundamental problems with the original proposal by substantially altering it through conditions, but without obtaining the revised dimensioned drawings necessary to establish exactly what was being permitted, without returning the materially altered proposal for appropriate conservation assessment and without giving the Observers an opportunity to examine and comment upon a definitive revised scheme.

The Applicants and residents have now, through direct engagement between their respective professional teams, achieved what the planning process should have achieved: a substantially improved proposal which allows the Applicants to extend their property while materially reducing the unnecessary impact upon neighbouring families.

ACP is therefore respectfully requested to refuse permission in the event that the Applicants do not proceed as they indicated they would at the meeting held with our representatives on 17 August 2026: namely, to withdraw the planning application made under D26A/0068 and pursue their substantially redesigned proposal by way of a fresh planning application.

If the Applicants proceed in accordance with that agreement, the Residents Association considers that these matters can be brought to a sensible and constructive conclusion without the need for ACP to expend significant further resources determining the substantive merits of a planning permission which the Applicants themselves no longer intend to rely upon.

That course would bring an end to the erroneous, deeply unsatisfactory and professionally unacceptable process which resulted in the uncertain and procedurally unstable permission issued by DLRCC, while permitting the Applicants to pursue a new, clearly defined and substantially improved proposal through the proper planning process.

Yours sincerely

Mark Munro

Chairperson

Longford Terrace Residents Association

Appendix 1 – High Court Order

Appendix 2 – Receipt of Submission from DLRCC in respect of original observation submitted

Appendix 3 – Photomontages of new design provided by the Applicants