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10 September 2026

An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1.

Re: Application Reg. Ref. D26A/0470/WEB – The demolition of an existing car sales facility (185.27sq.m) and the construction of a three storey building on the site of an existing car sales facility with a Commercial Unit (416.71sq.m) at Ground Floor (Local Area Shop) and ten residential units on subsequent upper floors at 55b, Patrick Street, Dun Laoghaire, Co. Dublin, A96N240

Dear Sir/Madam,

We have been retained by the applicant Nicholas Jones of 55b, Patrick Street, Dun Laoghaire, Co. Dublin, A96N240, to appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse planning application Reg. Ref. D26A/0470/WEB

In support of the appeal we enclose:

- A copy of the Decision
- A payment of €1500
- These written grounds of appeal.
- Revised Ground Floor drawing by McDonnell + Dixon Partnership Architects (September 2026)

SUMMARY OF THE APPEAL

Dun Laoghaire-Rathdown County Council (DLRCC) has refused planning permission for the following development at 55b, Patrick Street, Dun Laoghaire, Co. Dublin:

Reg. Ref. D26A/0470/WEB – The demolition of an existing car sales facility (185.27sq.m) and the construction of a three storey building on the site of an existing car sales facility with a Commercial Unit (416.71sq.m) at Ground Floor (Local Area Shop) and ten residential units on subsequent upper floors

Reasons for refusal:

- 1. Having regard to the nature and scale of the proposed development, it is considered that the proposal, by reason of its design and layout, would offer a substandard level of internal residential amenity for future occupants. The proposal would be contrary to Policy Objectives PHP18, PHP35 and Section 12.3 of the Development Plan, and to SPPR 3 of the 2025 Apartment Guidelines. In addition, the scale, visual bulk, massing and design of the development would have a significant and negative impact on the amenity of neighbouring houses, by way of overlooking, overshadowing, and overbearing visual appearance. The proposed development would therefore be contrary to Policy Objective PHP42 and the 'A' zoning objective of the site, and would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. The applicant has not identified a requirement for the provision of retail space of the scale proposed at this location, on 'A' zoned lands. The proposed retail space provision, outside the core shopping area of Dún Laoghaire and in the absence of a demonstrated deficiency in retail floorspace in the area, would prejudice the overall retail function of Dún Laoghaire town centre, and would be contrary to Policy Objectives RET5 and RET8. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

We believe this refusal contradicts national policy and frustrates the delivery of a mixed-use development in a highly accessible urban area.

The proposal clearly complies with the National Planning Framework (First Revision 2025), Sustainable Residential Development and Compact Settlement Guidelines (2024), Planning Design Standards for Apartments (2025) and the Urban Development and Building Height Guidelines for Planning Authorities (2018). We therefore ask the Commission to assess against national planning policy and the urgent need to densify our towns and cities.

In our appeal to overturn this decision, we wish to convey the following points:

- **The proposed retail space has now been reduced to 185 sqm.** As it replaces an existing commercial unit of 185 sqm, it is acceptable in planning terms. The remaining space has now been allocated as storage. Please refer to revised Ground Floor plan.
- **There is a clear need for retail at this location.** This is supported by a land use survey of Patrick Street and clear evidence that shops are concentrated to the northeast of the town.
- **The proposal already provides sufficient amenity for future residents** complying with Policy Objectives PHP18, PHP20, Section 12.3 of the Development Plan, and SPPR 3 of the 2025 Apartment Guidelines. The DLR planner's report acknowledges minimum standards have been met.
- **The proposal has mitigated overlooking and shadowing by using a narrow central spine.** The north set back elevation of this spine has no windows overlooking No.54. The south set back elevation contains angled windows to avail of evening sunlight and minimise any potential overlooking of No.55. As an urban infill site, some minor effects are unavoidable.

SITE CONTEXT

The subject site, 55b Patrick Street, Dun Laoghaire, is currently occupied by a car sales showroom, associated parking area and a service workshop to the rear accessed via Tivoli Lane East. This premises is in the south of Dun Laoghaire town and has been operating for over 30 years. It was originally built as a boathouse for the construction of boats. Once constructed they were wheeled down to the harbour. The site now appears increasingly out of place and underutilised in an area pivoting towards residential and service uses to complement the adjacent town centre.

Traditional Victorian dwellings abut the site to the north and south along Patrick Street and to the rear (west) there is a large industrial storage unit. The area, although residential, contains a mix of commercial/warehouse type properties, 'over the office' apartments and local business and community services. There are no shops in this area, despite a large population.

There is significant variation in building type and function along the parallel streets of Patrick Street and Tivoli Terrace East with the urban grain noticeably loose here compared to surrounding streets. Typical buildings heights range from 2 to 3 storeys. There is a difference in levels between the front and the rear lane of approximately 0.75m which effectively eliminates future residential use at ground floor.

Under the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to zoning objective 'A', which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities.' The subject site is not adjacent any protected structure or within or adjacent any Architectural Conservation Area.

The site is within 400 metres (4 minute walk) of a Dun Laoghaire DART station and within 100 metres of Dublin Bus stops and on-street bicycle stands.

PLANNING HISTORY

The recent site planning history consists of the following:

- Reg. Ref. D23A/0385: Permission was refused on appeal for the alteration of an existing single storey car maintenance facility (186sqm) to include additional Ground Floor Area (283sqm), First floor (431sqm), Second floor (431sqm) and third floor (253sqm) and change of use from a car maintenance facility to a domestic and small business storage facility



Fig. 1.0 – Aerial view of site

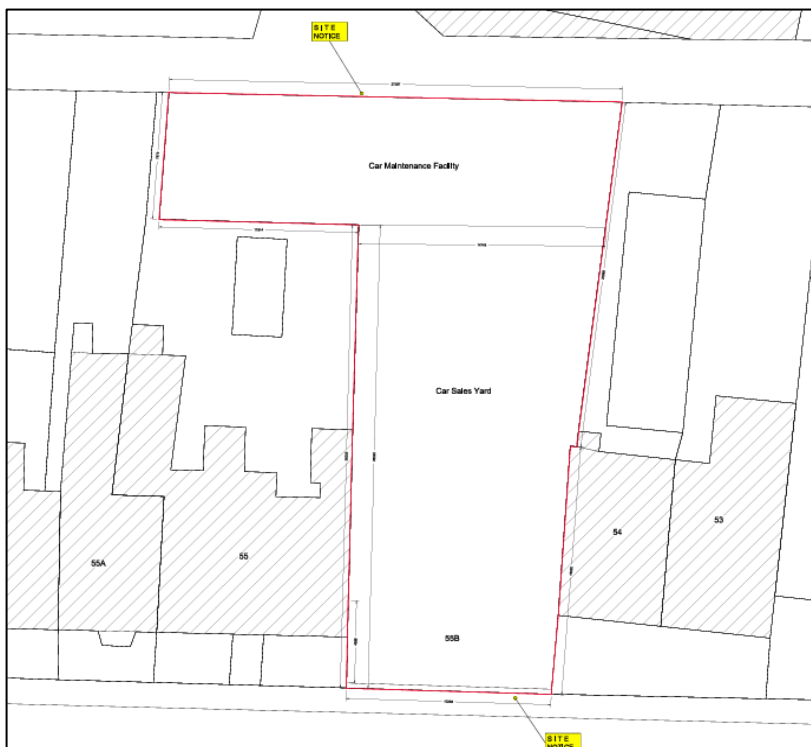


Fig. 2.0 – Site plan



Fig. 3.0 – Proposed front and rear elevations

APPELLANT RESPONSE TO PLANNER'S REPORT

The DLRCC planner's report was supportive of many aspects of the development. DLRCC support the redevelopment of the site in principle and the extracts from the planner's report below reflect this:

The report confirmed that **3 storeys height was acceptable** and actually consistent with the area. It also considered the scale and massing was in keeping with the surroundings and complied with Development Plan policies around urban consolidation and infill development

The revised proposal **vastly reduces the size of the shop to the current size of the commercial premises (185 sqm)** and this appeal provides a justification for retail at this location. It merely replaces a commercial unit that exists already and provides shop space that is lacking in the area. The planner is still accepting of a retail unit for this site stating "it is considered that the principle of a small retail unit "may be appropriate for a site of this scale and location."

The planner **supported the density** stating the "intensification proposed will contribute to the more efficient use of scarce urban land, increasing the overall sustainability of the area." Although slightly above guideline density on a net basis, the planner accepted that a residential density of c. 256 is "within an acceptable margin of tolerance". This complied with Table 3.1 in the Sustainable Residential Development and Compact Settlement Guidelines (2024).

Despite concern around residential amenity, the planner found the apartments either **met or exceeded required quantitative standards** stating "the proposed units would generally comply with the relevant residential standards for one- and two-bedroom apartments."

They also stated "the majority of units exceed the recommended minimum floor areas and room sizes of the 2025 Apartment Guidelines." The proposed balconies of between 5 and 6 sqm exceed the minimum requirement for one-bedroom and two-bedroom (3-person) apartments. The remaining amenity issues have now been addressed in the revised proposal in this appeal.

The planner **supported the proposed unit mix** stating "it is considered that the applicant's proposed unit mix is acceptable, confirming that 1 and 2 bed units are required in this area. The proposed Part V units were also considered acceptable and accords with the Development Plan.

There were **no objections** from DLRCC Transport, Drainage or Environmental Health divisions and any further details on servicing, cycle parking and construction can be requested via standard conditions if the Commission is minded to grant approval.

It is important to note that the applicant engaged in a comprehensive pre-planning consultation with DLRCC that took place in advance of the application where the principle of redevelopment and ground floor shop on this shop was deemed acceptable by the Council.

The issue around retail space is now resolved (reduced back to current salesroom size) and the design has designed out the most harmful impacts on neighbour amenity by avoiding overlooking windows. Some minor shadow impacts are unavoidable on an urban infill site and the apartment and settlement guidelines provide flexibility in this regard.

APPELLANT RESPONSE TO REASONS FOR REFUSAL

Reason 1 -Residential Amenity & Neighbouring Residential Amenity

(a) Residential Amenity

DLRCC have stated in their refusal that by reason of its design and layout, the internal residential amenity for future occupants would be substandard. However, the proposed apartments are a mix of 1 and 2 beds and are well-suited to the site. The planner's report already acknowledges that both floorspace and balcony size meet the minimum standards and the requirements of the Planning Design Standards for Apartments Guidelines for Planning Authorities (2025).

Dual aspect has been achieved on 40% of the site (exceeding the 25% requirement), despite the awkward urban constraints. The applicant's design team have had regard to Section 12.3.4.2 of the County Development Plan and to the Quality Housing for Sustainable Communities Guidelines when designing the proposed apartments following pre-application consultation. Each window would receive a sufficient amount of daylight. The layouts allow for dual aspect where feasible and the balconies also significantly improve the standard of living for these apartments.

Furthermore, it has been possible to include small home office spaces in some of the apartments to facilitate working from home. A lift has also been provided for those units accessed from Patrick Street to conform with TGD Part M requirements. With the reduced retail offering now simply replacing the existing unit, the revised ground floor now offers large storage units for each of the 10 apartments. This further increases the amenity levels for future residents.

In terms of communal open space, it was made clear at pre-application stage that this site (as demonstrated later in this report) is awkward and constrained and clearly urban in character. A shared rear garden for residents would neither be functional nor accessible and would suffer from poor sunlight levels and overlooking from many of the apartments habitable rooms. The front of the site is required to maintain a strong building line to complement the adjacent buildings. A courtyard feature would make produce an unusual and uncomfortable site layout making development unviable. Importantly, the ground floor has frontage/windows to the front only, the two sides are blank and the rear lane is at a higher level by circa 1 metre. The subject site is an urban infill site and needs to be assessed as such. We therefore respectfully urge the Commission to have regard to the nature of the development, the high accessibility and centrality of the site and the need to densify our MASP settlements.

In terms of townscape, the elevational treatment to Patrick Street has been amended as suggested by DLRCC. The rear 2 storey 'townhouse' design solution is in keeping with the 'back lane' development feel of this portion of the site, further improving the quality and old street appearance of the development for future residents. The inclusion of the surrounding context in the building design and provision of a neighbourhood shop aligns with Policy Objectives PHP35 and PHP42 in terms of improving placemaking in the area.

Overall, it cannot be said that the proposed apartments are substandard when they either meet or exceed the requirements in the 2025 guidelines, including 40% dual aspect and private balconies (this was confirmed by DLRCC themselves). This is a scheme designed for urban living in a sought-after location with coastal walks and several parks within 500 metres radius. It would be regretful to apply

suburban design values to an urban infill site when national policy requires a significant push for compact growth.

(b) Neighbouring Residential Amenity

DLRCC stated that, by way of overlooking, overshadowing, and overbearing visual appearance, the proposal would negatively impact on the residential amenity of neighbouring properties.

Section 3.3.1 of the Sustainable Residential Development and Compact Settlement Guidelines (2024) states that one of the key priorities of MASP areas is to deliver brownfield and infill development at scale at suitable strategic and sustainable development locations within the existing built-up footprint of the city and suburbs area or metropolitan towns. This will lead to some inevitable impact on neighbour amenity and a balanced approach is required.

SPPR 1 of these guidelines states that separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. Applications shall be determined on a case-by-case basis to prevent 'undue' loss of privacy. It therefore becomes a question of what is considered undue or unacceptable.

To prevent overlooking (site width approximately 13.50m midway down the site) the central narrower spine was designed. The north set back elevation of this spine has no windows overlooking No.54 adjacent. The south set back elevation contains angled windows to avail of evening sunlight and minimise any potential overlooking of No.55 adjacent.

Some shadow impact is inevitable on this site but this would not cause significant harm to adjacent properties and would largely effect rear garden spaces. We note the amenity space to the front and rear of that property. The single-storey height is also not unusually small for this location.

The revised NPF adds new urgency to increasing densities in Dublin MASP area with NPO 45 seeing to increase residential density and height in existing town settlements. This is reflected in the DLRCC Development Plan's own policy objectives that seek greater densities for accessible locations inevitably means some minor overlooking would need to be tolerated.

DLRCC's own Policy Objective PHP18 (Density) promotes compact growth through consolidation and re-intensification of infill/brownfield sites. It seeks to encourage higher densities provided that proposals provide for high quality design and ensure balance between the protection of existing residential amenity and the established character of surrounding area, with the need to provide for high quality sustainable residential development

The DLR planner supported the density stating the "intensification proposed will contribute to the more efficient use of scarce urban land, increasing the overall sustainability of the area." Although slightly above guideline density on a net basis, the planner accepted that a residential density of c. 256 is "within an acceptable margin of tolerance". This complies with Table 3.1 in the Sustainable Residential Development and Compact Settlement Guidelines (2024). The site is within 400 metres (4 minute walk) of a Dun Laoghaire DART station and within 100 metres of Dublin Bus stops and on-street bicycle stands. This means that it occupies a central accessible location according to the 2024 settlement guidelines.

With this in mind, it is important to make an ‘on balance’ assessment considering the overall design objectives for this site, maintaining a commercial presence on the ground floor while also providing new homes.

Reason 2 - Retail Space

Section 7.5.5 of the Development Plan states that, according to the RSGDA, ‘Corner/Local Shops and Small Villages’ meet the local day-to-day needs of surrounding residents and can play a role in providing more niche retail service offerings.

Policy Objective RET8 (Local Shops) states that it is a Policy Objective of the Council to facilitate the provision of local convenience shops in residential areas where there is a clear deficiency of retail provision, subject to protecting residential amenity. Within residential areas, the Council recognises the need for convenience shopping provision (as defined in the Retail Planning Guidelines) and accepts that a Neighbourhood Centre may not always be available within easy walking distance

This appeal now provides a revised ground floor layout, shrinking the retail space back to the existing internal commercial floorspace of 185 sqm. Given the broad range of business premises on the street and the need for a small shop to service the community, we feel this change is appropriate. We note the lack of shops on not just Patrick Street but adjacent streets also.

Although Policy Objective RET8 specifies a 100 sqm size for a local shop, the proposal is to replace an existing commercial unit of 185 sqm and is therefore acceptable in planning terms.

By replacing an existing commercial premises, the proposal seeks to retain the important active frontage that is a characteristic of this mixed-use street. The proposed new neighbourhood shop would complement these uses given the need for a convenience store in a busy populated area.

Land Use Study of Patrick Street

(RHS – From Cross Avenue to Tivoli Road)

- No.28 Harbour Clinic
- No.29 Thai Traditional Massage Therapy
- No.33 Veterinary Hospital
- No.35 - Adare Productions
- No.36-38 - Commercial / Industrial Units
- No.42 - Irish Building Supply / Homevalue
- No.44 - AJ Maher Plumbers
- No.46a to 49 - Planning Permission granted in June 2025 (D24A/0927/WEB) for the demolition of properties at no's. 47(a and b), and no. 49 Patrick Street and outbuilding to the rear. Construction of new residential apartment blocks in their place (26 units)
- No.50-51 - Former 'VISA' Office Building Planning Permission Decision to Grant by Dun Laoghaire Rathdown County Council for 1,552sq.m Childcare Facility on 01.08.23 – Reg Ref. D22A/1003
- No.52 - Scout Hall
- No.55b - First Choice
- No.56 - Brown Bros Locksmiths

(LHS – From Cross Avenue to Tivoli Road)

- No.78a - Irish Underwater Council
- No.70c - Mahon Kelly – Human Resources
- No.70b - CHL Consulting Ltd.
- No.69 - Murphy McElligot Solicitors
- No.67 - Dun Laoghaire Physiotherapy
- No.66 - Computer House
- No.64 - Hudson Solicitors
- No.63 - Publishing Ireland, Phonographic Performance Ireland, Sheehy Donnelly Solicitors, Irish Copyright Licencing Agency
- No.60-61 - Carmona Enterprises
- No.59 - M + P Locksmiths

The proposed use of the site for a local shop on ground floor and residential on the upper floors would be a far more acceptable use for the immediate area than the present use of the Motor Car Sales and Service Garage.

Whilst the above survey focuses on Patrick Street alone, a basic map analysis shows large swathes of southern Dun Laoghaire that are in much need of convenience retail. The location of a shop at the subject location fills a clear void and would service areas outside of the town centre, which has a highly concentration of shops along George's Street – nowhere near the site.

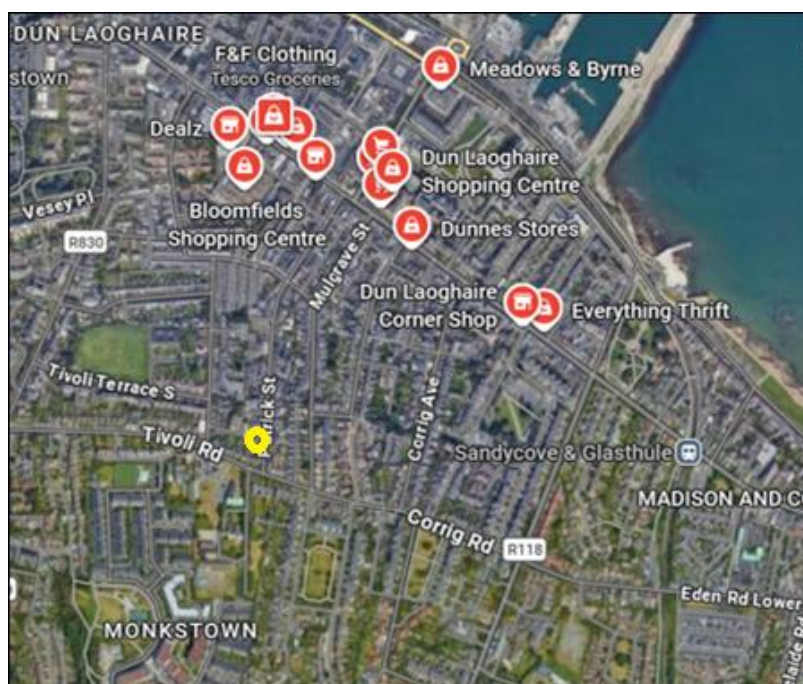


Fig. 4.0 – Shops of Dun Laoghaire (site marked as yellow dot)

The remainder of the ground floor is now proposed as 10 additional storage areas which would be available to the 10 apartment owners as well as for the retail unit. This is a similar approach to apartment living in Continental Europe where the basement area is very often used as a collective storage area for bulky items for the building. In this case, in addition access to the rear lane is separately available.



Fig. 5.0 – Revised ground floor layout showing retail reduced from 416 sqm to 185 sqm – matching the existing commercial premises. The additional space is now proposed as storage area.

SCALE AND MASSING RATIONALE

Building Height

There are a variety of 1,2 and 3 storey buildings on Patrick Street including what used to be the 'Visa' building (No.50/51). The proposed 3 storey fronting on to Patrick Street is lower than the Victorian adjacent two storey residential unit. At the rear the service lane is dominated by a large warehouse. At the rear lane the height of the building will be 9.075m at eaves level (two floors) as there is a 900mm difference in level (lane is higher) than Patrick Street.

Due to this difference in levels front to rear (approximately 900mm) and also the boundary constraints, the rear two storey apartments were designed to be entered via a staircase from the rear lane (rising approximately 2.00m from the lane level. Building lines are not consistent at this end of Patrick Street. As No 55 adjoining is only single storey the proposed building is significantly set back on First and Second Floor levels beside the garden party wall (see drawings 24007 - 55b Patrick Street - Pa06 - Proposed First and Second Floor Plans - 11.12.25) to allow for this.

Site Constraints

The site is an irregular shape with 'frontage' to the front and rear only. As such, in the redevelopment of this site there are many constraints which impact on the proposed design solution for the structure as set out below:

- Small and awkward shaped site.
- Overlooking of the rear gardens of adjoining sites. To prevent overlooking (site width approximately 13.50m midway down the site) the central narrower spine was designed. The North set back elevation of this spine has no windows overlooking No.54 adjacent. The South set back elevation contains angled windows to avail of evening sunlight and minimise any potential overlooking of No.55 adjacent.
- Difference in the level between the front of the site i.e. Patrick Street and the rear lane of approximately 0.90m which effectively eliminates or greatly reduces residential use at Ground Level.
- Heights of adjoining buildings vary greatly and there appears to be no general standard.
- Likewise, building lines are haphazard to Patrick Street and extend from street level to approximately 6.00m back.
- The original buildings are mostly Victorian in design but there are many different styles along Patrick Street.
- The site constraints dictated that design allowed for windows facing Patrick Street and the rear Service Lane.
- There is an average fall of 1 in 27 on Patrick Street between No's 50 and 55B (the site) and therefore there is a different level for each site down the street (app 0.4m drop per site)

Proposed Design

Despite a full Pre-Planning Consultation (PAC/126/24), it would appear that the very difficult site constraints were not fully appreciated by Dun Laoghaire Rathdown. We wish to highlight the following:

- It is noted that all supplies are delivered at night. No external storage yard is necessary as all goods are brought in through the front entrance and either transferred to the shelves immediately or stored in the internal storage area to the rear of the unit.
- Dual aspect is difficult to achieve on this narrow site but it has been achieved on 40% of the site.
- There is no increase in surface water drainage from that which already exists at present and on this site there is little room for attenuation. Foul water drainage connections already exist.
- The elevational treatment to Patrick Street has been amended as suggested in the Pre Planning Consultation. The rear two storey small 'townhouse' design solution as submitted are in keeping with the 'Back Lane' development feel of this portion of the site.
- As far as possible the building will be constructed and finished with 'Green' credentials

PLANNING POLICY RATIONALE

Strategic Accessible Location

The site's location with a 4 minute walk to a DART station provides a strong justification for higher density development in this location. This aligns with national planning objectives to concentrate development along public transport routes, reducing car dependency and promoting sustainable mobility. The location supports the '15-minute city' concept and the planner's report supports the proposed density level.

Housing Need and Efficient Land Use

Dublin faces an acute housing shortage, particularly for apartments. The proposal makes efficient use of serviced urban land, which is preferable to urban sprawl. The proposed 10 no. apartments would contribute to meeting housing targets while utilising existing infrastructure and services. The proposed neighbourhood shop will be a vital service to the local community and is supported by DLRCC.

Retail need and active frontage

This appeal demonstrates the need for a small retail space and while the Development Plan may look for smaller units, the 185 sqm size simply replaces the existing sized unit. Therefore the proposal complies with Policy Objectives RET 5 and RET 8.

National Planning Framework (2025) Alignment

The mixed-use development supports key objectives of the National Planning Framework (First Revision – April 2025) including NPO 7, NPO 8, NPO 9, NPO 13 and NPO 20 which promote compact growth in cities but especially NPO 45, which explicitly seeks to 'increase residential density and building height' in existing settlements.

Design Response to Context

A 3 storey building is in keeping with the surrounding townscape according to DLRCC and creates an appropriate transition between traditional suburbs and more intensive urban development. The design team have worked to improve the Patrick Street area by

- Providing high-quality materials sympathetic to local character
- Providing a mix of uses complementing Dun Laoghaire town centre
- Re-introducing fine urban grain
- Strengthening the street edge
- Improving passive surveillance

Policy Support

Recent national and DLR County Development Plan policies actively encourage this type of development, including:

- Policy Objectives PHP18, PHP35, PHP42, Section 12 of the Development Plan
- NPF policy objectives NPO 7, NPO 8, NPO 9, NPO 13, NPO 20 and NPO 45
- Apartment Guidelines (2025) relaxing previous restrictions
- Sustainable Residential Development and Compact Settlement Guidelines (2024) increasing densities in MASP areas

Economic Viability

DLRCC have already supported the proposed scale of development. A mixed-use development represents an efficient use of the site that makes development economically viable while delivering much-needed housing units. The issue of viability is one of the issues holding back the development of much needed apartments and therefore the retention of low value buildings on site could sterilise this site for decades.

CONCLUSION

The planning application represents an exceptional sustainable redevelopment of an infill site in a major MASP settlement. The delivery of high quality apartments on this site aligns with compact urban growth policies in the now revised NPF and Dublin MASP and indeed Dun Laoaghaire-Rathdown County Development Plan policies.

In conclusion, we ask the Commission to consider the following:

- **The proposed retail space has now been reduced to 185 sqm.** As it replaces an existing commercial unit of 185 sqm and is therefore acceptable in planning terms. Please refer to revised Ground Floor plan.
- **There is a clear need for retail at this location.** This is supported by a land use survey of Patrick Street and clear evidence that shops are concentrated to the northeast of the town
- **The proposal already provides sufficient amenity for future residents** complying with Policy Objectives PHP18, PHP20, Section 12.3 of the Development Plan, and SPPR 3 of the 2025 Apartment Guidelines. There is a requirement for 1 and 2 bed apartments in this area. The DLR planner's report acknowledges minimum standards have been met.
- **The proposal designed out the harmful overlooking and shadow impacts by using a narrow central spine.** The north set back elevation of this spine has no windows overlooking No.54. The south set back elevation contains angled windows to avail of evening sunlight and minimise any potential overlooking of No.55.

In its consideration, the Commission can assess the development in the context of consistency with the proper planning and sustainable development of the area, having regard to, but not bound by, the provisions of the Dun Laoaghaire-Rathdown Development Plan 2022-2028.

In this case it is submitted that is the function of the Commission to assess whether a proposal is reasonable having regard to all the circumstances and merits of the case, including consideration of national policy. We invite the Commission to examine all of the circumstances of this proposed development as set out in this appeal and take a pragmatic view.

Accordingly, we ask the Commission to overturn the decision of the planning authority and grant permission for this proposal.

Yours Faithfully,



Tony Manahan
Manahan Planners