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7th September 2026
An Coimisiun Pleanála
64 Marlborough Street
Dublin 1

Date of application: 24th June 2026

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Application Reference No: D26A/0470/WEB

Location: 55B, Patrick Street, Dun Laoghaire, Co. Dublin, A96N240

Applicant: Nicholas Jones

Description of Development: 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.

Date of decision: 18th August 2026

Appellant: Robert and Suzanne Pollock and 55A Patrick Street, Dun Laoghaire

Neasa Parker & Peter O'Shaughnessy - 55 Patrick St

Rory and Jennifer Fitzpatrick - 54 Patrick Street.

Dear Sir /Madam

We act on behalf of:

Robert and Suzanne Pollock ,55A Patrick Street, Dun Laoghaire

Neasa Parker & Peter O'Shaughnessy, 55 Patrick St, Dun Laoghaire

Rory and Jennifer Fitzpatrick, 54 Patrick Street, Dun Laoghaire.

We hereby submit the following appeal against the decision of Dun Laoghaire Rathdown Co Co to refuse permission.

We enclose the relevant amount of €220 in payment of the appeal fee.

Please see attached the receipt of our submission to the planning Authority.

Any correspondence in respect of this appeal should be sent to the offices of Reid Associates, 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin.

Unrestricted

GROUND OFS OF APPEAL

Preamble

- 1. Site context**
- 2. Nature and Description of the proposed development**
- 3. Planning History**
- 4. Pre Planning PAC Ref. No: PAC/153/24**
- 5. Impact of the proposed development on neighbouring residential amenity**
- 6. Development Plan Policy**
- 7. Transport, Delivery, Emergency Access and parking.**
- 8. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.**
- 9. Concluding Statement**

Preamble

We act on behalf of:

Robert and Suzanne Pollock, 55A Patrick Street, Dun Laoghaire

Neasa Parker & Peter O'Shaughnessy, 55 Patrick St, Dun Laoghaire

Rory and Jennifer Fitzpatrick, 54 Patrick Street, Dun Laoghaire

who live in the neighbouring properties bounding the subject application site and are directly impacted by the proposed overdevelopment of the application site which is sandwiched between number 54 to the north and number 55 Patrick Street to the south and their rear gardens and between their gardens and the rear access laneway. The rear garden of number 55A Patrick Street bounds the southern section of the site with the rear laneway.

Material Contravention of the Development Plan warrants refusal of the development in principle.

The main grounds of our appeal are that refusal of permission was warranted and justified on several grounds and the decision of Dun Laoghaire Rathdown Co Co is not adequately comprehensive. It is critical that the proposed development is refused on the basis that the proposed development **materially contravenes** the development plan and that this form of development is not acceptable in principle and would set an adverse precedent for development on Patrick Street.

There is a material contravention of the development plan on two grounds. Firstly there is a material contravention of the zoning objective A *To provide residential development and improve residential amenity while protecting existing residential amenities* as the development fails to provide residential development with adequate residential amenity for future occupants and fails to protect existing residential amenities. Secondly there is a material contravention of the development plan by reason that the location and scale of the retail use is not acceptable in principle and materially contravenes the development plan retail strategy and zoning objective A for the site primarily for residential use.

Inadequate plans

Furthermore the plans are inadequate in that they do not give adequate dimensions to the boundaries or to the windows in neighbouring properties, there are inadequate sections through the development and the contextual neighbouring properties and it is difficult and impossible to ascertain the separation distances to the neighbouring properties and the windows therein and the distances from the upper levels to the site boundaries.

There is inadequate section plans to show the development in terms of its relationship and height context and separation distances to neighbouring dwellings on Patrick Street and Tivoli Road.

The public notice located on the rear lane is on a private lane and not at the junction of the lane with Tivoli Road the nearest public road. This does not comply with the relevant planning regulations as set out in Article 19(i)(c). The site notice to Patrick Street is located on the gate to the yard which is generally open all day and is in a set back position from the path and therefore not generally visible or legible by the public.

Article 19(i)(c) of the Planning and Development Regulations 2001 as amended stipulates that the site notice be:

(c) subject to sub-article (2), securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such

entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time.

There is therefore a material breach of Article 19(i)(c) of the Planning and Development Regulations.

1. Site context

The site of 55B, which is located between number 54 and number 55 Patrick Street is used for car repair and an existing single storey car repair maintenance shed occupies solely the western section of the site with the rear lane.

It forms one of the last commercial uses on this stretch of Patrick Street, which is predominantly residential in character at the southern end of the street leading to Tivoli Road.

The red line application site for the proposed development is L shaped and the site is juxtaposed between our clients neighbouring residential dwellings and their gardens.

The site is small and measures 0.058m² as outlined in the plans. A single dwelling on the overall site would be the equivalent of 17 dwellings/hectare. Two dwellings would give rise to a density of 34dph and would have a similar street frontage width as the neighbouring streetscape and equivalent residential densities characteristic of the area.

At present the existing garage business is accommodated within a single storey flat roof garage structure bounding the rear laneway while the site area between number 54 and 55 is open and used as a yard. The area of this garage shed is 186 m². The site runs east west from Patrick Street to the lane and south north along the rear lane. The orientation of the site relative to the surrounding properties highlights the significant potential for adverse daylight, sunlight and overshadowing impacts. The existing garage is set 0.75m below ground level with the lane so that the height of the garage structure bounding to number 54 and 55A is 3.35m. The neighbours have generally landscaped their gardens to screen this level, scale and height of building structure to mitigate its impact.

The contextual juxtaposition of the surrounding dwellings forms a tightly configured assemblage of rear gardens and kitchen extensions and rear garden access points onto the laneway, which serves Patrick Street and Tivoli Road and Tivoli Terrace East.

The character of the lane is that of a rear service access lane. It is un-surfaced, narrow, and wide enough for one car only as the width is approximately 2.8m as measured on site opposite the rear boundary wall of number 55A with the lane.

There are random garages and sheds and car workshops located on the lane. The lane character and limited access allied to the constraints imposed by the surrounding residential dwellings means the site does not have potential to support high density residential apartment development on the site or lane.

2. Nature and Description of the proposed development

The development proposes the construction of a mixed retail residential apartment scheme fronting Patrick Street and extending to the rear laneway. The proposed floor area comprises 1331.87msq. on a site of 0.058sq.m. This comprises a 7-fold increase in floor area from 186sq.m to 1331sq.m. The proposal is for 10 residential apartments, overall floor area 876sq.m comprising 6 (1) bedroom and 4(2) bedroom and within this mix there are 4 duplex units, in addition there is proposed a retail shop with 455sq.m. gross floor area on the ground floor.

Except for the minor building line set back circa 4m set back from Patrick Street in line with the neighbouring dwellings it is proposed that the development extends across the entire site plot at ground floor resulting in 100% site coverage across that area of site bounding neighbouring residential dwellings and gardens. The stated site coverage of 84% is high and excessive, and the really impactful element is that from the building line with Patrick Street back to the lane the building occupies the totality of the site ground plot and there is no possibility of mitigation of the impact of the proposed development to the neighbouring dwellings. The floor area of the proposed ground floor is given as 455m², two and a half times the scale of the existing garage shed.

It is evident therefore from a review of the floor areas that the proposed development has failed to acknowledge the sensitivity of the neighbouring residential properties or the purpose of the development plan-zoning objective discussed in the succeeding section.

This is an important point as the occupation of the entire plot by three storey development from the building line set back is fundamentally unacceptable giving rise to objectionable scale and massing and height of the proposed development relative to the surrounding residential context and character. If the proposed development had been confined to a similar plot take up as the neighbouring residential dwellings at number 54 and 55 on Patrick Street then this could have been considered within the neighbouring building context and thus evaluated in its streetscape context having regard to mitigation of impacts on neighbouring properties.

The approach taken by the applicant however has been to fill in the site with development floor space from the rear lane to the building line irrespective of the neighbouring development context.

It is proposed that a retail shop occupy the main ground floor area and the entrance to the apartments stair and lift core alongside the retail shop front takes up circa 50/50 of the street width frontage. Bin stores, cycle stores and dock delivery store for the shop unit are located along the rear laneway elevation.

There is no evidence of any right of way over the laneway to the rear and the lane is not included in the application site. There is therefore no viable means of access, delivery, pedestrian or vehicular or emergency services to or from the rear lane. The logistics of management and operation of the delivery dock store, the bike stores and the apartment stair core areas are outside the control of the applicant and the application site boundary. There is no remedy for this within the application site boundary. This critical element of infrastructure serving the proposed development is inoperable and outside the legal scope of the application.

There is no justification or rationale for a retail convenience store use in the subject development and its feasibility and viability are open to question. Over 40% of the existing shops in Dun Laoghaire on the prime retail street and main shopping centre are vacant. The established land use character of Patrick Street at the southern end is not retail and is characterised as strongly residential in line with the development plan-zoning objective. There is no planning justification for providing an isolated retail unit without any sustainable logistical servicing arrangements or loading and parking within a predominantly residential street when prime retail units in the town centre remain vacant. Retail use benefits from and needs contiguous location along a continuous retail frontage. The proposal is at variance and in conflict with retail location policy as set out in the development plan zoning of the site. It furthermore conflicts with retail location and urban economic theory as set out in Hotelling's Law and Model of Spatial Competition (which explains why retail uses tend to cluster together).

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Law and Model of Spatial Competition (which explains why retail uses tend to cluster together).

The retail policy set out in section 7.5.2.1 Policy Objective RET5: Major Town Centres seeks to consolidate and strengthen the retail core area in the major town centre area of Dun Laoghaire, which stretches from Cumberland Street to the Peoples Park. Within this MTC the core retail area is formed by:

The principal Town Centre quarter running along George's Street (from Bloomfield's Shopping Centre to Corrig Avenue) the northern part of Patrick Street and the central part of Marine Road. This principal quarter constitutes the commercial and retail heart of the Town and it is a policy objective to consolidate and strengthen this core area. The Council will also encourage the incremental growth of secondary character 'quarters' in the Town Centre as follows: M Park End Quarter - George's Street Upper, east of the Town Centre Quarter. M Seafront Quarter - Marine Road to Crofton Road/ Queen's Road (Hospital car park to the Lexicon). M Old Town Quarter - George's Street Lower, west of the Town Centre Quarter¹.

The subject site is located outside the core retail area and conflicts with the retail policy of the development plan Policy Objective RET5: Major Town Centres:

"to consolidate and strengthen this core area".

It is not located in a neighbourhood centre and does not comprise a neighbourhood retail function. Neighbourhood Centres are defined in the development plan as comprising generally in the range of 1000m² to 2,500m² and provide a limited range of shops and retail services grouped together to provide a focus for the local population.²

Policy Objective RET 7 Neighbourhood Centres seeks to consolidate neighbourhood use in locations zoned as neighbourhood centres,

It is a Policy Objective of the Council to support the development of the Neighbourhood Centres as the focal point of the communities and neighbourhoods they serve, by way of the provision of an appropriate mix, range and type of uses – including retail and retail services – in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area.

The proposed development of a neighbourhood retail use in a location outside of a zoned neighbourhood centre materially conflicts with the retail policy of the development plan to support the development of planned neighbourhood centres as focal points for their community as set out in Policy Objective RET 7 Neighbourhood Centres.

Local shops are characterised in the development plan as being less than 100 m².

There is no justifiable need for a local shop given the proximity to the core retail area of Dun Laoghaire major Town Centre.

The location of the proposed shop unit is in conflict with the development plan retail policy and appears as a white elephant and futile project aimed at seeking permission for the extensive site coverage at ground floor rather than forming a realistic retail proposal. We are concerned that permission for such a form of extensive ground floor development would lead to a precedent for other development sites, which would undermine the urban design morphology of the street. As there is no demand for retail use in such off centre location on Patrick Street it is likely to be targeted for other uses not permissible within a residential zoned area, or give rise to pressure for further apartments at ground level.

This deep plan development form giving rise to excessive site coverage prejudices good urban layout planning for residential dwellings on the street precludes provision of dual aspect

¹ DLRCDP S7.5.2.1 Policy Objective RET 5 Major Town Centres

² Ibid S7.5.4

to residential units and eliminates the opportunity for any reasonable or adequate provision of open space and amenity for residential use. It seriously and adversely impacts neighbouring residential amenities.

The design of the apartments is substandard and the internal layout shows windows of kitchens opening out onto open space areas serving separate apartments (numbers 8 and 9). The windows at first floor level on the rear west elevation and the balcony areas will overlook the gardens of the residences on Tivoli Road and it is likely they may overlook the dwelling and windows serving living rooms and bedrooms. The first floor and second floor angled windows on the southern elevation at first and second floor potentially overlook the rear garden of number 55.

There are no details of surface water attenuation and the plans show development over the existing foul sewer layout to Patrick Street. There are no adequate detailed services plans or report.

The proposed private open space serving apartment 10 can potentially overlook the garden and the windows within the dwelling of number 54.

3. Planning History

Planning Reference Reg. No. D23A/0385 refers to a previous refusal of permission for: 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.

The scale of this proposal amounts to a floor area of 1398m², which is similar to the proposed development.

The Planning Authority reason for refusal was as follows:

The site is zoned 'A' under the Dun Laoghaire-Rathdown County Development Plan, 2022-2028 with a stated objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities.' The proposed storage facility is not listed as being 'permitted in principle' or 'open for consideration' under this zoning objective. It is considered that the proposed development, by virtue of its height, scale, layout and design of the proposed extension, including proximity to the surrounding boundaries, would be out of keeping with the receiving environment and would be visually overbearing at this location. The proposal would seriously injure the visual and residential amenities of the area and / or depreciate the value of property in the vicinity and would contravene the Dún Laoghaire Rathdown County Development Plan 2022-2028 in terms of the zoning of the land and would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board refused the development on appeal for two reasons which encapsulated the Planning Authority concerns and similarly highlighted the excessive scale massing, poor design, overshadowing and overbearing impacts as follows.

1. The subject site is zoned 'A' in the Dun Laoghaire-Rathdown County Development Plan 2022-2028 with a stated objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities.' The proposed development comprising a domestic and small business storage facility, which is not listed with the permitted use classes in the A zoning objective, is not listed within the 'Permitted in Principle' or 'Open to Consideration' categories of the 'A' zoning objective of the development plan. Furthermore, while section 13.1.5 of the aforementioned plan provides for the consideration of uses which are not specifically mentioned on a case by case basis in relation to the general policies of the plan, and on the zoning objectives for the area in question, it is considered that the use

proposed would not be compatible with the general policies of the plan, the zoning objective pertaining or the prevailing uses in the area. Therefore, it is considered the proposed development would be contrary to the zoning objective of the site, would contravene the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and would, therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of its scale, depth, massing and design of the front elevation in particular would seriously injure the visual amenities of the area and would be contrary to Objective PHP42 of the Dun Laoghaire Rathdown County Development Plan 2022-28, which seeks to encourage high quality design of all new development. Furthermore having regard to the proximity of the proposed development to adjoining properties and in the absence of evidence to outline the likely impact of the proposed development on the residential amenity of the adjoining properties it is considered that the development would have a detrimental impact by way of overshadowing and overbearing impacts and would therefore conflict with policy objective PHP20 of the Dun Laoghaire Rathdown County Development Plan 2022-28 which seeks to ensure the residential amenity of existing homes in the built up area on sites abutting low density residential development (less than 35 residential units per hectare) and where the proposed development is four storeys or more an obvious buffer must exist from the rear garden boundary lines of existing private dwellings. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

It is evident from the application that the scale of the proposed floor area is similar to that refused permission and the only change is to propose retail and residential use rather than storage. However neither use have been properly considered in terms of land use planning. The retail use is located outside a neighbourhood centre and the proposed residential use is compressed into a constrained site comprising significant overdevelopment of a limited site area.

The unacceptable scale, massing and sub standard design remains similar and the fundamental reasons for refusal have not been addressed in the subject application.

The reasons for refusal cited above remain pertinent and apply to the subject development. The proposed retail use conflicts with the development plan retail strategy and policy objectives and the proposed residential development comprises substandard development in terms of design and excessive development scale height and massing on a limited and restricted infill site on a residential street.

4. Pre Planning PAC Ref. No: PAC/153/24

The pre-planning consultation undertaken highlighted that the design and layout of the proposed scheme was unacceptable across a broad range of issues. A fundamental redesign was necessary.

Any application would need to demonstrate:

- Compliance with the Compact Settlement Guidelines
- That the proposal would not impact on the residential amenities of neighbouring dwellings.

The following reports will be required to accompany any planning application, in addition to a full set of drawings: AA and EIAR screening reports, Design Statement, Landscape Plan/Landscape Design Rationale, Housing Quality Audit, Cycle Audit, Outline Construction Management Plan, Waste Management Plan, Stormwater Impact Assessment

A summary of the issues raised includes inter alia:

The pastiche of the buildings on Patrick Street and the brick/stone finish on the rear elevation suggestive of mews style development where none exists was not acceptable and bespoke contemporary design and innovative architectural solution of the highest quality is required.

The design and layout does not offer a high level of residential amenity.

Private amenity open space barely meets minimum requirements and in instances is accessed through bedrooms. The absence of any communal space is not offset by provision of compensatory private open space.

50% dual aspect units should be provided. While four units are indicated as dual aspect the design means the units are unlikely to benefit. There is no justification for the unit mix and poor design.

There are several bedrooms unlikely to receive adequate daylight.

The unit mix relies heavily on 3 person two-bed units; the development plan stipulates that no more than 10% of such units should be provided in any scheme.

Regard should be had to Section 12.3.4.2 of the County Development Plan and to the Quality Housing for Sustainable Communities Guidelines when redesigning the proposed development.

A service strategy for any commercial shop unit is required.

A SuDS proposal is necessary and should be designed in accordance with the four principles of SuDS (quantity, quality, biodiversity, and amenity) and should be integrated into the redesign of the proposed development.

The redesigned development should incorporate one or more of the following: Intensive and/or extensive green roofs, Blue roofs, Bio retention areas/rain gardens, Rainwater harvesting.

Any SuDS proposal should be appropriately sized for the development, for a 1 in 100 year rainfall event, with a 20% uplift for climate change.

An audit of existing on- street parking spaces, along with the likely parking demand generated by the proposed development, should be used to inform the level of car parking proposed or absence of parking provision.

It is apparent that the application and the proposed scheme did not undergo a fundamental redesign and the issues raised in the pre planning consultation have not been addressed.

In particular the application has failed to demonstrate that the development would not impact residential amenities of neighbouring dwellings. The drawings are poor and inadequate and the level of information sought in the additional reports has not been submitted.

The design remains fundamentally objectionable and demonstrates significant impact on neighbouring residential amenity while providing inadequate residential amenities for future occupants.

5. Impact of the proposed development on neighbouring residential amenity

The location and siting of a new apartment block structure enclosing and dominating the gardens to Numbers 55A, 55 and 54 and located generally along the garden boundaries would be visually overbearing and dominant and would enclose our clients properties within a tunnel of monolithic development.

The existing low boundary wall to the residential property at number 55A affords a sunny

aspect to the garden, which is treasured and is the highlight of the amenity of the property. The intrusion of an apartment block which blocks this sunny amenity that their garden currently enjoys would materially and seriously injure the residential amenity of the property.

There will be a significant loss of sunlight from the south impacting on number 54, and significant loss of eastern and western sunlight to number 55 and number 55A.

The existing height of the garage to the lane is 3.35m over GL. This GL appears to be reflective of garden levels in the neighbouring properties. The proposed height is given as 10.475m over GL on the lane to the ridgeline resulting in a 7m increase in height over the existing shed height. This proposed height will be visually overbearing on our clients properties and gardens at numbers 54, 55 and 55A.

The proximity of the massing of the apartment block to the boundary with neighbouring properties and the orientation will have significant adverse impacts on the neighbouring dwellings in terms of loss of daylight, sunlight overlooking noise and disturbance from the balconies and windows and would be overly dominant.

For example number 55 Patrick Street would be enclosed along its entire garden boundary to the west and the north by a monolithic mass and wall of development rising to 10.5m above their garden level and over 7m above the existing garage shed which is confined to the west of their garden.

This would be a most significant and egregious injurious impact and loss of amenity both to the dwelling and the garden of number 55 Patrick Street. Although the windows to the proposed apartments at upper floor levels are angled on the southern elevation they are proximate to the boundary with number 55 and will directly overlook the gardens of neighbouring dwellings

The proposed depth of the apartment building is in excess of 36m and the width to the lane is circa 21m comprising a single monolithic mass and block of development. The design is substandard the scale and massing and height comprises overdevelopment. There is no design statement and the design is crude and seeking to optimize full site coverage seeking quantitative output rather than qualitative design.

It fails to accord with the NPF core principle for excellent design as set out in section 4 of the development plan.

“A core principle of the NPF is to “ensure a high standard quality of life to future residents as well as environmentally and socially sustainable housing and placemaking through integrated planning and consistently excellent design”.³

There is no daylight, sunlight or visual impact assessment on the surrounding residential dwellings in the application documents but it is evident that the proposed development will significantly and adversely injure the amenities of the neighbouring residential property in the vicinity.

A summary of the impacts on residential amenity of the specific properties is emphasized as follows.

54 Patrick Street

There is significant loss of sunlight to No. 54, and this is exacerbated by the proposed rise of development along the boundary to over 10m which is likely to result in severe shadowing of the primary family amenity area, including the garden and patio. This could materially reduce

³ DLRCDDP S4.1 Neighbourhood People Homes and Place

the use of the garden, affect natural growth potential and contribute to increased surface water run-off.

There is also potential significant impact on interior living spaces. The main living areas of No. 54 are likely to suffer unacceptable loss of natural light due to the proposed height increase and the south-to-west orientation of the proposed development relative to the dwelling.

There is overlooking from Apartment 10 towards the garden and windows of No. 54 and it should also be noted that Apartment 3, from an elevated first-floor position, may directly overlook the kitchen and bedroom windows, garden and patio of No. 54 via its east-facing private open space and sliding glass doors.

The north-facing private open spaces of Units 1 and 8 should be in immediate proximity to the rear kitchen and bedroom windows, garden and patio of No. 54, with similar overlooking potential into a constantly used family amenity space and giving rise to noise and disturbance from a dominant position.

55 Patrick Street

There is significant impact on No. 55, particularly the enclosure of the garden along the western and northern boundaries by a monolithic mass rising to approximately 10.5m. This would give rise to egregious visual overbearing overshadowing loss of daylight and sunlight.

There is potential overlooking of the rear garden of No. 55 from angled first- and second-floor windows on the southern elevation. The layout is entirely unsuited and unsustainable and not amenable to mitigation. There is overwhelming evidence for rejection of this design layout form mass and scale..

The loss of sunlight will be significant as the rear of the dwelling is flooded with sunlight in the late afternoon and evening and this would be severely impacted and eroded by the subject development.

55A Patrick Street

The existing low boundary wall to the residential property at number 55A affords a sunny aspect to the garden, which is treasured and is the highlight of the amenity of the property. The intrusion of an apartment block which blocks this sunny amenity that their garden currently enjoys would materially and seriously injure the residential amenity of the property.

There will be a significant loss of sunlight from the eastern and western aspect to number 55 and number 55A.

The parking availability for existing residents is at capacity. It is noted that in Feb 2026 a former loading bay directly outside 55A was recategorized for on-street parking. This has led to a minor improvement in the availability of parking, which is under constant pressure for residents. The proposed development which fails to provide any parking for 10 residential units and a proposed neighbourhood shop would seriously and adversely impact residential amenity and would give rise to traffic congestion and parking chaos on Patrick Street.

The width of the rear laneway of 3.1m falls short of the requisite width to provide reasonable access and as already highlighted the lane is not within the control or ownership of the applicant and is not included within the application site.

6. Development Plan Policy

The Dun Laoghaire Rathdown Development Plan 2022-2028 designates the site for zoning objective A

“To provide residential development and improve residential amenity while protecting existing residential amenities”.

The site is also located within the boundary of lands for which a Local Area Plan will be prepared.

The town centre-zoning objective is some distance from the site and does not extend beyond the junction with Cross Ave.

The zoning objective is positive in nature and requires that provision of residential development has the outcome of improvement of residential amenity and protection of existing residential amenities.

There is a material contravention of the development plan zoning objective A as the development fails to provide residential development with adequate residential amenity for future occupants and fails to protect existing residential amenities.

Residential use is permissible in principle subject to the requirement to improve residential amenities and protection of existing residential amenities.

As highlighted in this report the design of the proposed residential development is substandard and deficient in provision of adequate amenities for future occupants in terms of daylighting and provision of private open space and community open space and materially adversely impacts the residential amenity of the neighbouring properties.

The proposed development would result in a substandard residential development with substandard provision of private open space without any identified sustainable access for emergency services or for vehicular access.

It would negatively and adversely impact on our clients residential amenity and it would undermine the established level of residential amenity already enjoyed by the existing dwellings number 55A and 55 and Number 54 Patrick Street.

The proposed development would materially contravene the development plan objective "A" To provide residential development and improve residential amenity while protecting the existing residential amenities. The proposed development would result in serious injury to residential amenities of neighbouring properties arising from the overdevelopment of a limited and constrained infill site which results in unacceptable design form and layout adjoining neighbouring boundaries whereby the proposed scale and height, massing would give rise to visual obtrusion, visual overbearing and overshadowing and overlooking of neighbouring properties.

The proposed development would furthermore give rise to a severe inadequacy of residential amenity for future occupants by reason of inadequate provision and quality of private open space and lack of community open space, lack of provision of any parking or service/taxi/loading parking, inadequate access for emergency service vehicles and for vehicular access.

A neighbourhood shop is not permitted in principle and is a use, which is only open for consideration.

Open for consideration uses are uses which may be permitted provided they would not have undesirable impacts on residential amenity.

Please see section 13.1.4 of the plan.

13.1.4 Open For Consideration

Uses shown as 'Open for Consideration' are uses which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

There is no rationale or need justified for a shop at the subject location. There is no management plan for servicing and logistics of deliveries and loading and unloading and parking. The shop extends across the major area of the ground floor plot back from the building line giving rise to excessive site coverage scale and poor sub standard site layout.

Where a use is only open for consideration there is an onus on the applicant to demonstrate the development would be compatible with adjoining residential use and not create undesirable effects. There is a failure on the part of the applicant to address these issues and there is no study of daylight and sunlight impacts on the surrounding residential properties.

The proposed retail use and the format which takes up the entire site back from the building line precludes adequate provision of open space to serve the proposed apartments and results in the location of development bounding the adjacent residential properties with all the attendant noise disturbance and other impacts arising from air conditioning fridge units, storage of waste and rubbish etc.

A neighbourhood shop is one which primarily serves a local community and does not generally attract business from outside that community. The scale of the floor area 416m² is significantly in excess of the scale of a neighbourhood shop and of other neighbourhood shops in the vicinity of Dun Laoghaire.

There are no grounds for facilitating the proposed retail use within the open for consideration policy provision as the proposed development and use and the design and layout of the residential development which is predicated on the extensive retail ground floor use would have undesirable effects on the surrounding residential properties and there is no demonstrable local need for a shop at this location.

The proposed retail use is therefore materially contrary to the development plan zoning objective A for primarily residential use.

Section 4.3.1.1 of the Development Plan, **Policy Objective PHP18 requires that:** increased residential density has regard to the development management criteria set out in section 12 of the development plan and provides for *high quality design to protect existing residential amenities*.

The proposed development fails to comply with Policy Objective PHP18. The design is substandard across a range of criteria.

Section 4.3.1.3 Policy Objective PHP20: provides for Protection of Existing Residential Amenity.

It is a Policy Objective 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.

The proposed development fails to comply with Policy Objective PHP20 to protect existing residential amenity.

7. Transport, Delivery, Emergency Access and parking.

The application simply fails to plan for transport and service and emergency access and fails to provide any parking or loading bay or facilities. There is no traffic or parking audit to justify the absence of any parking provision for the proposed development. There is no provision for emergency fire service access.

As mentioned above the rear lane is outside the application site and ownership and the feasibility of rear lane access is questionable.

The absence of any parking provision will inevitably place pressure on existing limited on street parking and delivery feasibility has not been demonstrated. The development plan requires that:

“Where there is a need for loading and unloading in a development, additional parking bays suitable for loading should be provided”.

There is no provision of a loading bay. The width constraints of the rear laneway impose access difficulties for deliveries both for the retail use or future occupants and existing residents.

The lane is used by existing residents who enjoy right of way for vehicular access to their properties along the lane. A dock loading area would preclude and impact such residential access. Furthermore, there has been no examination of the capacity of the lane to service emergency fire services access. Given the limited width of the lane, a pinch point of circa 3m and the extensive use of the lane by existing residents and random third-party parking on the lane the location of a loading dock and need for emergency fire service access are not sustainable.

There is no construction management plan for the site which has implications for access via Patrick Street and impacts on the overall town centre traffic management.

The development plan requires at section 12.9.4 the submission of Construction Management Plans.

Construction Management Plans (CMP) for developments generating construction activity -containing measures to mitigate against the effects of the construction - shall accompany planning applications for development of 3 residential units or more and for all other developments measuring more than 500 sq.m. gross floor area.

There is no evidence of any traffic safety audit or emergency fire access for the development and there is no management plan for construction. The absence of any transport management strategy will inevitably impact on residential amenities of neighbouring properties which will bear the brunt of noise disturbance air pollution dust and traffic congestion and blocking of the lane access to their properties.

The development plan outlines requirements for open space:

All applications for residential schemes (including Built to Rent) should include a clear written schedule and colour coded drawing with public, private and communal open space provision identified. The written schedule shall include the County Development Plan requirements, the proposed provision and full details of any short fall. There is no schedule of open space provided in the application.

Communal open space must also be provided for apartments as set out in section 12.8.3.2.

There is no provision of communal or public open space and the level of provision of private open space offers inadequate quality of amenity being accessed from apartment bedrooms rather than living rooms in a number of instances.

The pre planning consultation identified there is a need for communal open space provision and any failure to provide communal open space on this site should be offset by significant increases in compensatory private open space.

The lack of communal open space and also the lack of public open space and the poor quality of private open space all undermine the level of residential amenity for future occupants resulting in a substandard development.

8. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities are also relevant. The guidelines expand on the higher-level policies of the National Planning Framework (NPF) in relation to the creation of settlements that are compact, attractive, liveable and well designed and support innovation in housing design and a greater range of house types.

Table 3.3 - Areas and Density Ranges – Metropolitan Towns and Villages- Sets out that densities in the range of 50/150dph net shall be applied in the centres of urban towns and neighbourhoods.

However there are exceptions which apply in this case given the limited site area of 0.0580sq.m.

3.3.6 In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.

The net density on the subject site is not given in the application however given that the ground floor area of 451sq.m should be included to arrive at a potential net density figure as the ratio of the mix of uses over this small site need to be considered, and given the average of 876sq.m for 10 residential units proposed would result in a potential higher net density of 15 units (including the retail floor space contribution to density) on a site area of 0.0580sq.m. which would give a staggering resultant net density of 259dph.

This clearly illustrates the problem of the development in that it provides for excessive overdevelopment of a limited restricted infill site which materially contravenes the residential density guidance for density set out in table 3.3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities by a factor of 5 given the site constraints and the fact that lower density provided for in section 3.3.6 should apply.

The proposed design is substandard in terms of provision of residential amenities for future occupants and fails to support innovation in housing design. The proposed development would give rise to an excessive residential density, scale massing, height and site coverage on a limited restricted site significantly impacting neighbouring residential amenities by reason of visual overbearing and loss of daylight subnlight and overlooking. The proposed development materially contravenes the Sustainable Residential Development and Compact Settlements Guidelines for residential density as set out in table 3.3 and section 3.3.6.

9. Concluding Statement

We submit that there are extensive grounds that the proposed development should be refused permission for all of the following reasons.

There is a material breach of Article 19(i)(c) of the Planning and Development Regulations in that the public site notice on Patrick Street is not legible by the public as required and the site notice erected on the rear laneway should be also erected at the junction of the lane with the public road. The plans accompanying the application are inadequate and do not comply with the requirements of the Planning Regulations.

Material Contravention of the Development Plan warrants refusal of the development in principle.

The proposed development would **materially contravene the Dun Laoghaire Rathdown County Development Plan 2022-28 zoning objective “A” “To provide residential development and improve residential amenity while protecting the existing residential amenities”**. The proposed development would result in serious injury to residential amenities of neighbouring properties arising from the overdevelopment of a limited and constrained infill

site which results in excessive density site coverage and plot ratio, is of an unacceptable design form and site layout adjoining neighbouring boundaries whereby the proposed scale and height, and massing would give rise to visual obtrusion, visual overbearing and overshadowing loss of daylight and sunlight and overlooking of neighbouring properties. The proposed development would seriously injure the amenities, or depreciate the value, of property in the vicinity and would be contrary to the proper planning and sustainable development of the area and would set an adverse precedent for development on Patrick Street.

The proposed development would result in a material contravention of the development plan policy and zoning objective for the site by reason that the location and scale of the retail use is not acceptable in principle and materially contravenes the development plan retail strategy and zoning objective A for the use of the site primarily for residential use.

There are no grounds for facilitating the proposed retail use within the open for consideration policy provision of the development plan-zoning objective of the area primarily for residential use, as there is no demonstrable local need for a neighbourhood shop at this location. The proposed development of a neighbourhood retail use in a location outside of a zoned neighbourhood centre materially conflicts with the retail policy of the Dun Laoghaire Rathdown County Development Plan 2022-28 to support the development of planned neighbourhood centres as focal points for their community as set out in **Policy Objective RET 7 Neighbourhood Centres**.

The proposed retail use is therefore materially contrary to the development plan zoning objective A for primarily residential use.

The proposed development would furthermore give rise to a severe inadequacy of residential amenity for future occupants by reason of inadequate provision and quality of private open space and lack of community open space, lack of provision of any parking or service/taxi/loading parking, inadequate access for emergency service vehicles and for vehicular access.

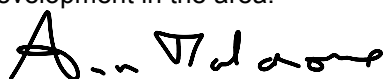
The proposed development fails to comply with the Dun Laoghaire Development Plan 2022-28 Policy Objective PHP18.

The proposed development will result in excessive density and overdevelopment of a limited and restricted small infill site. The proposed design is substandard in terms of provision of residential amenities for future occupants and fails to support innovation in housing design. The proposed development would give rise to an excessive residential density, scale massing, height and site coverage on a limited restricted site significantly impacting neighbouring residential amenities. The proposed development materially contravenes the Sustainable Residential Development and Compact Settlements Guidelines for residential density as set out in table 3.3 and section 3.3.6.

The proposed development is substandard and deficient in provision of private, communal and public open space to serve future occupants of the apartments and would result in a substandard form of development.

The proposed development fails to comply with the Dun Laoghaire Rathdown County Development Plan 2022-28 policy for Sustainable Urban Drainage.

The proposed development fails to provide adequate service and emergency access and fails to provide any parking or loading bay facilities. There is no traffic or parking audit to justify the absence of any parking provision for the proposed development. There is no provision for emergency fire service access. The proposed development would give rise to traffic congestion and the absence of adequate fire emergency access would give rise to an unacceptable public safety and fire risk which would set an adverse precedent for other development in the area.



Ann Mulcrone

Ms Reid Assoc OBO R & S Pollock, N Parker & P O Shaughnessy and R and J Fitzpatrick
2, Connaught Place
Crofton Road
Dun Laoghaire
A96X566

Receipt for Submission

Date: 27-Jul-2026

Register Ref: D26A/0470/WEB **Date Recd:** 24-Jun-2026
Development: 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.

Location: 55b, Patrick Street, Dun Laoghaire, Co. Dublin, A96N240
Applicant: Nicholas Jones
App. Type: Permission

Dear Sir/Madam

I wish to acknowledge receipt of your submission/observation in relation to the above planning application.

All documents are available to view on-line.

You will be notified of the Council's decision in due course.

Please note that, in accordance with Section 251 of the Planning and Development Act, 2000, "where calculating any appropriate period or other time limit referred to in this Act or in any regulations made under this Act, **the period between the 24th Day of December and the first day of January, both days inclusive, shall be disregarded**".

Please note, in accordance with Article 35 of the Planning and Development Regulations 2001 – 2012, persons who made a submission or observation on a planning application will only be notified of the receipt of Further Information(FI) or Clarification of Further Information (CFI), where that FI or CFI is considered significant and requires new public notices.

PLEASE RETAIN THE ATTACHED ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION. A PERSON MAKING AN APPEAL TO AN COIMISIUN PLEANALA MUST INCLUDE IN THEIR APPEAL THIS ACKNOWLEDGEMENT BY THE PLANNING AUTHORITY OF RECEIPT OF THE SUBMISSION/OBSERVATION.

Yours faithfully

Mary Quinlan

for SENIOR EXECUTIVE OFFICER

(email: planning@dlrcoco.ie telephone: 01-2054863)

**ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION
ON A PLANNING APPLICATION**

THIS IS AN IMPORTANT DOCUMENT

Keep this document safely. You will be required to produce this acknowledgement to An Coimisiún Pleanála if you wish to appeal the decision of the Planning Authority. It is the only form of evidence which will be accepted by An Coimisiún Pleanála that a Submission or Observation has been made to the Planning Authority on the Planning Application.

DÚN LAOGHAIRE RATHDOWN COUNTY COUNCIL

Planning Application Reference Number: D26A/0470/WEB

A Submission/Observation in writing has been received from:

Ms Reid Assoc OBO R & S Pollock, N Parker & P O Shaughnessy and R and J Fitzpatrick
2, Connaught Place
Crofton Road
Dun Laoghaire
A96X566

On: 27/07/2026 in relation to the above planning application.

The appropriate fee of €20 has been paid. (fee not applicable to prescribed bodies / Local Authority Elected Members).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001, (as amended) and will be taken into account by the Planning Authority in its determination of the planning application.

Date 27/07/2026

Mary Quinlan

For Senior Executive Officer

Planning Authority Stamp

27/07/2026