

18th September 2026

An Coimisiún Pleanála
64 Marlborough Street
Dublin 1

AN COIMISIÚN PLEANÁLA	
LDG-	<u>fee-pay-004568</u>
ACP-	
18 SEP 2026	
Fee: €	<u>1500</u> Type: <u>Chq</u>
Time: <u>13:10</u>	By: <u>Hand</u>

Reg. Ref.: D26A/0508/WEB

Proposal: The construction of 2 no. new three storey, flat roof, 4 bedroom, detached dwellings with recessed third floor and roof terrace to the front. Partial demolition of the front boundary wall to create a new vehicular entrance and a new pedestrian entrance with pillars off Castlepark Road. Enlargement of the existing vehicular entrance off Breffni Road with new entrance pillars. 4 no. on curtilage car parking spaces (2 each) and private amenity open space to each new dwelling. New boundary walls to allow for the sub-division of the site from the existing detached dwelling. New landscaping and boundary treatments. SuDS surface water drainage, foul water potable water connections. All ancillary works necessary to facilitate the development at Site to the side of No. 1, Castlepark Road, Sandycove, Co. Dublin, A96F436.

Decision Date: 26th August 2026

Appeal By: 22nd September 2026

Re: FIRST PARTY PLANNING APPEAL

Dear Sir or Madam,

This is a first party planning appeal on behalf of the applicant, **Brinnin Holdings Limited, 129 Strand Road, Sandymount, Dublin 4** against the notification of decision to refuse planning permission by Dun Laoghaire Rathdown County Council for the above proposed development. We attach a copy of the Council's decision and a cheque for € 1,500 being the appeal fee.

The Commission is requested to overturn the decision and grant planning permission for the proposed development which is an appropriately designed and scaled side garden development that is consistent with the character and pattern of development in the area, and would deliver sustainable compact urban growth. There was the following single reason for refusal;

- The proposed density of approximately 23 dwellings per hectare would be significantly below the generally applicable density range of 40 to 80 dwellings per hectare for City Suburban/Urban Extension locations in Dublin. The proposal does not optimise the residential development potential of the site and would constitute underdevelopment and an inefficient use of suitably zoned and serviced land. The applicant has not demonstrated that the physical or contextual characteristics of the site justify the proposed density or the application of the exception under Section 3.3.6 of the***

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). The proposal would therefore not accord with Section 4.3.1.1, Policy Objective PHP18: Residential Density, or Section 12.3.3.2: Residential Density, of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, or the density objectives of Chapter 3 of the Guidelines, and would be contrary to the proper planning and sustainable development of the area..

It is submitted to the Commission that the planning authority has erred by focussing on a guideline density range as an absolute minimum requirement which is not the case and as a result, it has failed to properly consider policy objective PHP18 and further it failed to even consider policy objective PHP19. Not all proposals are able to meet guideline density ranges for various reasons including the site's size, shape or topography, the prevailing character and pattern of development in the area, the need to preserve and protect residential amenity, or environmental and or built heritage considerations.

In this case, the planning authority disregarded the development limitations associated with this small side garden site including the net site area which in our opinion should exclude the land forward of the established Castlepark Road building line. The Commission should also note that the only vehicular access serving the site is located to the side off Breffni Road and is circa 3.0m back from the Castlepark Road building line. Section 12.3.7.7 of the development plan states *"infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways"*. Therefore, the position of the proposed house 1B is required to step back 4.6 metres from proposed house A and back from the building line to allow for vehicular entry, further reducing the developable area of the site.

Instead of accepting the site limitations, the planning authority speculated about a theoretical development scenario based on the floor area of proposed development but that is nothing more than guesswork which ignores various development management requirements associated with a multi-unit building including the provision of communal and public open space, the area required for communal facilities, and vehicular requirements (refuse and emergency vehicular access, resident and visitor parking, and entering and exiting in forward gear). As a result, it prejudices their assessment of the proposed development especially regarding policy objectives PHP18 and PHP19 of the development plan.

The Compact Settlement Guidelines ("the Guidelines") are merely guidelines. As stated in the opening paragraph of the Guidelines, *"Section 28 provides that planning authorities and An Bord Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended), in the performance of their functions."* The density ranges are not covered by a SPPR, so the planning authority and the Commission are only required **to have regard to them** as opposed to insisting upon compliance. In assessing this application and issuing its refusal, it is clear that the basis for Dun Laoghaire Rathdown County Council's refusal was the guideline density range in the Guidelines.

No one disputes the need to increase residential density but it must be acknowledged that it is not always possible to achieve density ranges set out in the Guidelines. This appears to be a particular issue on small scale sites, which is specifically addressed in Section 3.3.6(c) of the Guidelines providing for exceptions in the case of small infill sites *"that are not of sufficient scale to define their own character and density"*. The appeal

site is the undeveloped side garden of No. 1 Castlepark Road and its development potential is constrained by the building line to Castlepark Road and to a lesser extent to Breffni Road, its location on a junction, the small size of the site, and to the character of the receiving environment.

As set out in the application, it remains our position that the appeal site is a constrained site due to its limited size and side garden location and that section 3.3.6(c) of the Guidelines should apply. By way of comparison, the Commission is referred to the planning authority's assessment in Reg. Ref. D25A/0545 (ACP Ref.: PL-500134-DR) of a proposal to demolish a dwelling and replace it with 2 no. dwellings (each 300 sq.m.) a 0.085 ha. site at 25, Louvain, Ardilea:

"The proposed development would see a density of 23.5 units per hectare. It is considered that a density range of 40-80 uph would typically apply to the subject site, given its location within Parking Zone 3 of the County Development Plan 2022-2028 and its slight remove from frequent public transport services, the small site size (0.085 ha) is such that the exception under Section 3.3.6(c) is considered acceptable in this instance."

This assessment and justification equally applies to this proposal in the side garden of No. 1 Castlepark Road. The site areas are virtually identical (0.0862 v 0.085 ha); both sites are not accessible locations relative to frequent public transport, both are within Parking Zone 3, both proposed 2 no. dwellings with four bedrooms and a study (combined floor area of c. 600 sq.m. and 652 sq.m.), and both have the same density. The only material difference is that the proposal now under appeal to the Commission would equate to the provision of 2 no. additional dwellings whereas the scheme at Louvain had a net increase of a single dwelling. Notably, the Commission assessment at Louvain didn't consider density per se but noted *"the proposed development would double the density of the site"*. In this case, the density of the site would increase from 0 dph to 23 dph whereas there would be a tripling of the density on the overall site of No. 1 Castlepark Road.

It is our position that the Guidelines density range is merely a guideline and that in any event, the exception provision in section 3.3.6(c) of the Guidelines should apply to this small side garden site like it did at 25, Louvain, Ardilea. That being so, the Commission is now invited to consider the proposals compliance with policy objectives PHP18 and PHP19 and agree that it complies with both and accordingly permission should be granted. For ease of reference, the text of both policy objectives are stated below:

4.3.1.1 Policy Objective PHP18: Residential Density

It is a Policy Objective to:

- Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.
- Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development. [emphasis added by KOM & Co. Ltd.]

4.3.1.2 Policy Objective PHP19: Existing Housing Stock - Adaptation

It is a Policy Objective to:

- Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.
- Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods. [emphasis added by KOM & Co. Ltd.]

There can be no dispute that the proposed development will increase the supply of houses at the site, which is currently undeveloped, it promotes compact growth through consolidation and intensification of this side garden site, it triples the density on the overall site, and the scheme design protects existing residential amenity and the established character of the area. Again, an appropriate comparison is the Commission's direction on PL-500487-DR-25 (Reg. Ref.: D2A/0771), a scheme to demolish one dwelling and construct three on a 0.38 ha. site at Church Road, Killiney, as follows:

The Commission had particular regard to the specific circumstances of the proposed development (as noted in the Reason above) and considered that an increase from one to three dwellings on site would represent an increase in residential density consistent with Policy Objective PH18 of the Dun Laoghaire Rathdown Development Plan 2022-2028, which seeks to "Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area..." while also having regard to the established pattern of development and the established residential amenities of the area.

It should therefore follow and the Commission is invited to agree that the proposal accords with 4.3.1.1 policy objective PHP18 of the development plan.

Similarly, there can be no dispute that the applicant hasn't already conserved and improved the existing house stock at No. 1 Castlepark Road through planning permission Reg. Ref.: D26B/0124/WEB (which is currently being implemented) and this proposal for two no. side garden dwellings would densify the built up area having due regard to the amenities of existing established residential neighbourhoods at Castlepark Road and Breffni Road. The Commission is referred to another recent decision at Dove Cottage, Glenageary, Reg. Ref.: D24A/0078 (ABP-320781-24) and the following extract from its lengthy direction:

Furthermore, the Commission noted that Policy Objective PHP19 'Existing Housing Stock – Adaptation' of the development plan states, inter alia, that it is a policy objective to densify existing built-up areas in the county through small scale infill development. The Commission considered that the proposed development is such a small scale infill development in an existing built-up area, in that regard the Commission did not agree with the Inspector that the proposed development would be inconsistent with Policy Objective PHP19.

In addition, the Commission considered that the proposed development contributes to, and is consistent with, the strategic county outcomes, aims, and policy objectives for compact growth, consolidation, densification and re-intensification of infill/brownfield sites in the county as cited throughout the Dun Laoghaire Rathdown County Development Plan 2022-2028, and, specifically at:

- *Table 1.4 (strategic county outcomes nos. 1,2 and 3)*
- *Section 2.6.2.1 (i) 'Compact Growth'*
- *Section 2.6.2.1 (ii) 'Brownfield and infill lands'*
- *Policy Objective CS11 'Compact Growth'*
- *Section 4.3.1 'Delivering and Improving Homes'*
- *Section 12.3.7.7 'Infill'*
- *Policy Objective PHP18: 'Residential Density' and*
- *Policy Objective PHP19: 'Existing Housing Stock – Adaptation'*

The approved development at Dove Cottage was for the demolition of the existing dwelling and the construction of 2 no. dwellings on 0.108 hectares; a net increase of one dwelling with a density of 18.5 units per hectare. That proposal is not directly comparable to this one at Castlepark Road because the appeal site is smaller with more additional units and a higher density. However, it is the Commission's application of policy objective PHP19 to that proposal and the subsequent seven other development plan provisions cited in its direction that are equally applicable to this proposal at Castlepark Road. It should therefore follow and the Commission is invited to agree that the proposal accords with 4.3.1.2 policy objective PHP19 of the development plan plus all of the other development plan provisions listed in the direction on ABP-320781-24.

Finally, the reason for refusal also references section 12.3.3.2 of the development plan, which is subject to amendment as part of proposed variation no. 1 that is currently before the Council Members for finalisation. Notwithstanding the proposed variation, the relevant section from 12.3.3.2 is and will remain as follows:

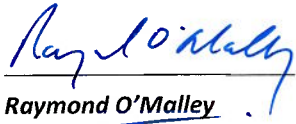
As a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location, and accessibility to public transport. (See policy PHP18, Chapter 4)

The same arguments set out above again apply to this provision from section 12.3.3.2 of the development plan. This side garden site is not at an accessible location to frequent public transport per the development plan or the Guidelines. The development of a side garden site is typically constrained to a single additional dwelling or in a few cases such as at the appeal site, there is limited development potential for more than one dwelling. It is submitted that this proposal for 2 no. dwellings would, on balance, optimise the density of this side garden site in compliance with section 12.3.3.2 of the development plan.

The appeal site is the undeveloped side garden of No. 1 Castlepark Road. This proposal for two houses would increase housing supply and promote compact urban growth in compliance with PHP18. In addition, it would encourage densification of the area and respect and complement the character of the area in compliance with PHP19. The Commission is required to have regard to the density range in the Guidelines but it is not bound by it. Having regard to the site size and location, and the character of the receiving environment, the Commission is invited to agree that the proposal complies with the proper planning and sustainable development of the area. Therefore, it is requested to overturn the decision of the local authority and issue a decision to grant.

Please acknowledge receipt of this appeal and direct all future correspondence to this office.

Regards,



Raymond O'Malley

Kiara O'Malley & Co. Ltd.

ROM: rom

- Enclosures
1. A copy of the local authority decision
 2. A cheque for € 1,500 being the appeal fee

Extend Architectural Services Limited
14, Castle Street
Dalkey
Dublin
A96PF25

26-Aug-2026

NOTIFICATION OF DECISION TO REFUSE PERMISSION
Planning & Development Act 2000, as amended

Order Number P/1721/26	Date of Order 26-Aug-2026
Register Reference D26A/0508/WEB	Date Received 06-Jul-2026
National Portal Reference: 120000105800	

Applicant:
Development

Brinnin Holdings Limited
The construction of 2 no. new three storey, flat roof, 4 bedroom, detached dwellings with recessed third floor and roof terrace to the front. Partial demolition of the front boundary wall to create a new vehicular entrance and a new pedestrian entrance with pillars off Castlepark Road. Enlargement of the existing vehicular entrance off Breffni road with new entrance pillars. 4 no. on curtilage car parking spaces (2 each) and private amenity open space to each new dwelling. New boundary walls to allow for the subdivision of the site from the existing detached dwelling. New landscaping and boundary treatments. SuDS surface water drainage, foul water potable water connections. All ancillary works necessary to facilitate the development.

Location:

Site to the side of No. 1, Castlepark Road, Sandycove, Co. Dublin, A96F436

Floor Area:

Time Extension up to and including:
Additional Information
Requested/Received:

Dear Sir / Madam

In pursuance of its functions under the above-mentioned Act, Dún Laoghaire-Rathdown County Council, being the Planning Authority, did by Order dated as above make a decision to **REFUSE PERMISSION** in respect of the above proposal.

For the avoidance of doubt the reasons and recommendations set out in the planners report were generally adopted as set out in the Executive Order, this can be viewed at the Council Offices or the Council website.

For the **1** reason(s) on the attached numbered pages.

Please note that, in accordance with Section 251 of the Planning and Development Act 2000, as amended, "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**".

Signed on behalf of Dún Laoghaire-Rathdown County Council.

Sharon Peppard

for Senior Executive Officer

1. The proposed density of approximately 23 dwellings per hectare would be significantly below the generally applicable density range of 40 to 80 dwellings per hectare for City Suburban/Urban Extension locations in Dublin. The proposal does not optimise the residential development potential of the site and would constitute underdevelopment and an inefficient use of suitably zoned and serviced land. The applicant has not demonstrated that the physical or contextual characteristics of the site justify the proposed density or the application of the exception under Section 3.3.6 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). The proposal would therefore not accord with Section 4.3.1.1, Policy Objective PHP18: Residential Density, or Section 12.3.3.2: Residential Density, of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, or the density objectives of Chapter 3 of the Guidelines, and would be contrary to the proper planning and sustainable development of the area.

SUBMISSIONS/OBSERVATIONS

NOTE (1): In deciding this planning application, the planning authority, in accordance with Section 34 (3) of the Planning & Development Act, 2000, as amended, has had regard to any submissions or observations received in accordance with the Planning and Development Regulations 2001 - 2010, pertaining to this application.

REMOVAL OF SITE NOTICE

NOTE (2): The applicant is reminded that in accordance with Article 20 of the Planning and Development Regulations 2001 - 2012, any site notice erected or fixed pertaining to this application shall be removed (if not already done so) following receipt of this notification.

FURTHER NOTES

APPEALS

This decision of the Planning Authority does not authorise works to commence and may be appealed to An Bord Pleanála by an Applicant or any person who made submissions or observations in writing in relation to this application to the Planning Authority.

A person who has an interest in adjoining lands in respect of which permission has been granted and who did not make a submission or observation under Section 37(6)(a) of the Planning and Development Act, 2000, as amended, may apply to the Board for leave to appeal the decision of the Planning Authority. Appeals should be sent to:

**The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.**

Tel: 01-8588100

Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start.

The Board must receive an appeal within four weeks, beginning on the date of the decision set out above. A Third Party appeal will be invalid unless accompanied by the prescribed fee and a copy of the receipt from the Planning Authority in respect of a submission/observation.

GRANT OF PERMISSION

In the case of a notification of a decision to Grant Permission, where no appeal is received by An Bord Pleanála against the decision, a PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the making of an appeal.

REFUND OF FEES – REPEAT PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of Planning Authority's decision on the second application. Please consult the Planning & Development Regulations, 2001-2010, for full details of fees, refunds and exemptions.

