Appeal PL06D 502236 3, Kilbogget Villas 26A 0132 WEB

AN COIMISIÚN PLEANÁLA
LDG- FEE-PAY-005037
ACP-
27 OCT 2026
Fee: € 220 Type: CASH
Time: 14:11 By: HAND

To: The Secretary

,An Coimisíun Pleanála,

Marlborough Street,

Dublin 1.

Appeal against proposed development at 3, Kilbogett Villas, Cabinteely Village.

Reg Ref: D26A/0132/WEB

Date of Planning Authority Decision: 2nd October 2026.

Last Date for Appeal: 29th October 2026 (per ACP Calendar)

Appeal Ref: **PL06D.502236**

Dear Sir / Madam,

I have been asked to make this appeal on behalf of Mr Jack O'Callaghan who lives in a dwelling on Johnstown Road, Cabinteely Village. Dunlaoghaire, Co Dublin

Mr O'Callaghan owns the buildings and yard adjoining the south-west side of the site subject of this Appeal and the gated private laneway at the rear of the subject premises. The side of his private dwelling and gardens adjoins the north-east side of the lane.

Over the years, the Applicant has made numerous Applications which are dependant on having a vehicular access over the private gated lane and utilising Mr O'Callaghan's private combined drain. The Applicant also proposes to use Mr O'Callaghan's private gated lane for demolition, construction, provision of services, and ongoing maintenance.

Mr O'Callaghan has consistently refused permission or licence for greatly increased discharge to the drain, and has refused permission for vehicular access along the lane. His reasons are clearly set out below.

The site of the former dry store use (a garden centre) has been unoccupied for many years and the Applicant has failed to implement a Permission Granted on Appeal. Ref ABP-303723.

All but the front façade has been demolished, but there has been no excavation for the storage basement permitted in the lapsed Appeal Permission.

The now Derelict Site is an eyesore in the village, and in the proximity of Protected Structures. In particular, it seriously detracts from Mr. O'Callaghan's building at No. 2, Kilbogett Villas, which is currently let as a restaurant in accordance with a preexisting permission.

The tenant of N2, Kilbogett Villas has already lodged an Appeal – please see Mr. Eamonn Murphy for "Golden Brown."

My client is anxious to see the situation resolved and the site redeveloped as soon as possible. But not at the cost of serious loss of his rights, and prejudicing his existing access,private drain, his unfettered access to his yard and the rear of his buildings. He is needs to preserve the potential for a possible future mixed use development in accordance with the NC Zoning.

This might include a residential development, so that he is anxious to provide for future amenity. His stone boundary wall and mature trees near the boundary are important elements to be considered in any future design.

In numerous Submissions and an Appeal, over the years, Mr O'Callaghan's position has been consistent.

He has clearly pointed out that the Applicant has alternatives available to him, using the Applicant's own adjoining lands, which have never been shown in blue line as required in the Planning and Development Regulations, nor requested by the Planning Authority, despite numerous requests made on Mr O'Callaghan's behalf.

Many of the issues arising in this Appeal have already been aired in the Planning History files. We respectfully request that these be considered as an essential part of our Appeal and carefully examined by the Case Inspector.

Basically, we see two major options that might result in a Permission that would serve all parties to the Appeal.

1. That all works and services be to and from the Old Bray Road at the front of the site.
2. Alternatively, that all drainage (and possibly some access) be provided across his stated adjoining ownership and which have never been shown by clear blue line, as required in current and draft Regulations.

Clarification is also required in relation to:

1. Provision of elevation drawings to show the visual and amenity effects of the new proposals for rooftop vents and a new Visual Impact Assessment to understand their impact on the village streetscape, adjacent Protected Structures,and the residential amenity of the newly constructed 3-storey apartment block on the zzxzzz quadrant of the village crossroads.
2. To assess how the loss of green roof area will affect the surface water drainage calculations.
3. Whether the proposed sunlight and daylight study fully complies with current BRE Requirements, and whether the study has taken into consideration the existing mature trees on Mr. O'Callaghan's side of the boundary and the height of his high stone wall.
4. Whether ACP is satisfied that the Applicant has made sufficient proposals to safeguard the sewage pump and standby pump in the event of power failure or flooding, which could affect the safety of kitchen staff, as well as Mr. O'Callaghan's adjoining property.

5. Whether climate change might result in restaurant staff and storage users of the basement being put at risk, and consideration of whether the concept of a new build underground kitchen is a safe and appropriate place of work.

It is our respectful view that these matters could be addressed within the present Appeal Process, if An Coimísiún requested clarifications.

In order that the Inspector and An Coimisíun can make a fair and just Decision, we respectfully suggest that they request a map showing the adjoining lands under the control of the Applicant. This will, we consider, assist in considering alternatives.

Both under the current Planning Development Regulations, and also under the forthcoming Regulations, (in Draft at the date of this Appeal), the wording appears to be exactly the same:

2000 Regulations (as amended) Article 22 (2) (ii).

2026 Draft Regulations Article 11 (3) (b) (ii)

In the Applicant's Sunlight and Daylight Study, Page, 18, 4.5 Potential Sensitive Structures, there is a diagram and the following clear and equivocal footnote statement: -

" # It should be noted that the neighbouring property on Johnstown Road is in ownership of the client of the proposed development."

The Applicant has consistently omitted this information and the Planning Authority has validated a number of Applications without requesting this statutory information.

Numerous Submissions requesting this information regarding this Appeal site have been made on behalf of my client. We do not consider that it is my clients task to pursue the Land Registry.

My client and I are frustrated by this repeated lack of compliance. We therefore respectfully ask that An Coimisíun bring this consistent failure to the attention of the Office of the Planning Regulator.

In our Submissions, we specifically requested the PA Case Officer to inspect the site from our client's properties and lane. Access details were given.

The Case Planner's report gives no Date(s) of Inspection (as has been standard practice by ABP and ACP Inspectors).

Equally, the Transportation Engineer's Report gives no Date of Inspection and no clear description of site access and alternatives considered.

Both the previous Inspector's Report and the current Planning Authority Drainage Report expressed serious concerns about the use of Mr. O'Callaghan's private sewer. While the Decision of the Board of ABP may have considered this as a legal matter, the PA has referred to S. 34 (13) of the 2000 Act (as amended) and has added clear footnotes to its Decision to Grant in relation to sewage, (but not in reference to vehicular access).

Since ABP Granted Permission for a ground floor commercial use, with apartments above and a flat green roof, the current application incorporates some significant changes as well as the serious omissions noted above.

- A basement restaurant kitchen is now proposed, with change of the ground floor to a restaurant, with greatly increased foul sewage requirements.
- Pumps and stand-by sewage pumps should be climate change proofed.
- My client should not be expected to provide or maintain provision for any fat balls or other deleterious matter that might in turn discharge to the public sewer.
- Public sewers have been upgraded to provide separate provision for foul and surface water. They can be assessed directly.
- Changes to the roof will reduce the area of possible green roof. We cannot find details of revised surface water runoff calculations.
- We cannot find elevations to show the visual impact of the proposed extracts.
- To clarify the visual impact of these changes, a revised VIA is also required to take account of the views from adjacent Protected Structures and from upper floors of the adjacent new 3-storey block of apartments.
- The Sunlight and Daylight Study should take account of Mr O'Callaghan's trees.
- A "parklet" with seating and landscaping has been provided at the front of the premises. This may have to be relocated, or stored and reinstated, at the Applicant's expense, to allow basement excavation, drainage provision, construction, and future servicing and maintenance direct to the Old Bray Road, unless the Applicant wants to provide these through his other properties.
- The Applicant has consistently failed to show a map of these adjoining "blue line" lands and contrary to existing and draft Regulations, and the Planning Authority has, equally consistently, failed to request this information.

Construction Management Plan.

We respectfully ask that any Conditions should protect my client's property including the water table of his trees and the integrity of his boundary wall during excavation, construction, and during the lifetime of the development.

Conclusion.

Mr O'Callaghan is anxious to see the Applicant receive a clean Permission and not one that may be "legal but inoperative."

Mr O'Callaghan has gone through years of unnecessary worry and expense through the failure of the Applicant to openly discuss alternatives and the failure of the Planning Authority to ask him to pursue such options.

We therefore respectfully ask An Coimisíun Pleanála to require the submission to it of a map showing the adjoining "blue line" lands and the Applicant's proposals to use these to provide a development using his own lands and which could be implemented by him without making consistent attempts to force his problems onto my client.

Finally, we are concerned that the Applicant is continuing to put pressure on my client, rather than obtaining a clean permission for a development which could finally be constructed after so many years.

Yours sincerely,

johnbirdmipi@gmail.com

086-8033635

John Bird.

30, Idrone Close,

Knocklyon,

Dublin D16 C6 T2

Date: 26th October 2026.

Attachments:

PA Notification of Decision.

ACP Appeal Fee. Category A9, 3rd Party Appeal - €220.

John Bird,

BA(Mod), Master of Civic Design.

Dip. Environmental Impact Assessment Management,

Member Irish Planning Institute

Comhairle Contae County Council

Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire
Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland
Tel: 01 205 4700 Fax: 01 280 6969 Web: www.dlrcoco.ie

Mr. John Bird, on behalf of Jack O'Callaghan
30, Idrone Close
Knocklyon
Dublin
D16C6T2

Receipt for Submission

Date: 31-Mar-2026

Register Ref: D26A/0132/WEB **Date Recd:** 24-Feb-2026
Development: The proposed development seeks permission for the demolition of the existing building façade on site and the erection of a part two, part three storey building with the taller element located to the rear, comprising a ground floor café/restaurant unit (c. 310 sq.m) with 3 no. 2-bedroom apartments above, internal courtyard, roof terrace, private amenity space provided by balconies, refuse storage, cycle storage and all other ancillary works. A basement is proposed to provide for ancillary storage and services to both the restaurant and residential uses.

Location: 3, Kilbogget Villas, Old Bray Road, Cabinteely, Dublin 18
Applicant: West Group Investments Limited
App. Type: Permission

Dear Sir/Madam

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

This file is available for inspection/purchase at the office of the Planning Authority, Monday – Friday, 10:00am to 4:00pm.

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 BORD PLEANALA MUST INCLUDE IN THEIR APPEAL THIS ACKNOWLEDGEMENT BY THE PLANNING AUTHORITY OF RECEIPT OF THE SUBMISSION/OBSERVATION.

Comhairle Contae County Council

Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire
Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland
Tel: 01 205 4700 Fax: 01 280 6969 Web: www.dlrcoco.ie

Yours faithfully

Bernie Gilsenan

for SENIOR EXECUTIVE OFFICER

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

Comhairle Contae County Council

Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire
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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 Bord Pleanala if you wish to appeal the decision of the Planning Authority. It is the only form of evidence which will be accepted by An Bord Pleanala 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/0132/WEB

A Submission/Observation in writing has been received from:
Mr. John Bird, on behalf of Jack O'Callaghan
30, Idrone Close
Knocklyon
Dublin
D16C6T2

On: 30/03/2026 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.

Bernie Gilsenan
Bernie Gilsenan
For Senior Executive Officer

Date 30/03/2026

Planning Authority Stamp

30/03/2026

dlr Comhairle Contae County Council