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8th October 2026
An Coimisiun Pleanala
64 Marlborough Street
Dublin 1

Date of application: 29th July 2026
Planning Authority: Dun Laoghaire Rathdown County Council
Planning Application Reference No: D26A/0573/WEB

Location: 99 St. Fintan's Park, Deansgrange, Co. Dublin, A94WV05

Applicant: Lea O'Flannagain

Description of Development:

1.0 Subdivision of the site at 99 St. Fintan's Park to create 2 separate sites (99 and 99A St. Fintan's Park) 2.0 The Construction of a new 2-storey 2 bedroom house (99A St. Fintan's Park to be 78.8sq.m.) attached at the western gable to 99 St Fintan's Park with (a) a new vehicular entrance and space for 1 no. car park to serve 99 St. Fintan's Park and pedestrian entrance to serve 99A St. Fintan's Park (b) a rooflight to front of house (c) private open space to rear and front of house (d) all hard and soft landscaping, boundary treatments and associated site works and services.

3.0 Alterations to 99 St. Fintan's Park to include (a) alterations to existing vehicular entrance, landscaping and boundary treatments, site works and services (b) alterations to fenestration to western gable (c) repositioning of front door from western gable to front elevation.

Date of decision: 21st September 2026

Appellant: Lea O'Flannagain, 99 St. Fintan's Park, Deansgrange, Co. Dublin, A94WV05

Dear Sir /Madam

We act on behalf of:

Lea O'Flannagain, 99 St. Fintan's Park, Deansgrange, Co. Dublin, A94WV05, the applicant in the subject case.

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

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

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.

GROUND OFS OF APPEAL

Preamble

- 1. Reason for refusal rebuttal**
- 2. Concluding Statement**

Appendix 1 Plan PA 100 revised October 2026

Preamble

The decision to refuse permission by Dun Laoghaire Rathdown Co Co was based on a single reason for refusal. We set out below in the grounds of our appeal our rebuttal of the reason for refusal, which we demonstrate, is obviated. The planning application documentation and in particular the planning report by Armstrong Planning deals with the broader planning issues including the previous planning history of refusal of permission. These issues do not arise in this appeal and the planning authority has accepted both the principle of the development and the justification in planning policy terms for the proposed development except for the single minor reason as set out in the reason for refusal.

This appeal is confined to rebuttal of that single reason for refusal.

1. REASON FOR REFUSAL

Having regard to the nature of the dwelling which provides for an independent two bedroom dwelling and to the inadequate quantum of private open space proposed, the Planning Authority considers that the proposed development fails to accord to Section 12.8.3.3 Private Open Space of the County Development Plan 2022-2028 and SPPR 2 of the Sustainable Residential Developments and Compact Settlement Guidelines by reason of the 18.5 sq.m. of private amenity space proposed. Furthermore, additional concerns arise in respect of the quality of the rear amenity space proposed, by reason of its orientation, as well as the reduction in usable open space to the front of the dwelling due to the siting of the bin stores, bike storage areas and general access routes within same. Accordingly, to permit the proposed development would set an undesirable precedent for similar development in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

REBUTTAL

The Planning Authority planning report on file notes that the proposed development provides for the construction of a new dwelling in a fully serviced urban location.

There are no third party objections to the proposed development. Furthermore there is a submission from the resident of number 98 St Fintan's Park outlining support for the proposed development.

The entire range of the Council internal department reports from the Parks Department, the Drainage Department and the Transportation department all have no objections to the proposed development. It is particularly significant that the Parks Department have no objection given the reason relates to open space the remit of the parks department.

The DLR. planning report highlights that the proposed development comprises a high quality innovative design that avoids any injury to residential amenity and sits sensitively within the site streetscape context.

The issue of the shortfall regarding private open space is an issue that could have more appropriately been addressed by a request for Further Information. The red line application site boundary includes the totality of the existing house and garden and the proposed new dwelling and reallocation of private open space is an easy option to facilitate.

Notwithstanding that a further information request was feasible, a decision issued to refuse permission. The reason for refusal referred to both the quantum and the quality of the open space.

This reason can be entirely obviated by the realignment of the rear boundary of the open space serving the proposed dwelling to increase the open space provision and afford the new dwelling 10.5sq.m private open space in the rear garden and 25.6sq.m private open space in the front garden.

It should be noted that the measurement of the front garden private open space was previously incorrect.

The total private open space serving the proposed dwelling is now 36.1sq.m. This quantum of private open space exceeds the relevant standards for private open space provision of 30sq.m. as set out in SPPR2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities as amended 2024(SRD CSG).

The standards of the Dun Laoghaire Rathdown Development Plan as set out in Section 12.8 of the plan highlight that where there is an innovative design response particularly on corner garden sites as in the subject case the standards of private open space can be relaxed. Furthermore, the development plan requirement for larger private open space provision of 48sq.m. are superseded by the specific planning policy requirement of the guidelines- SPPR-2.

The case for relaxation of the development plan standards and the provision within the SRDCSG for acceptance of a relaxation of open space standards for houses is based on the proximity of a particular site to public open space.

The subject site is located directly opposite the major public open space at St Fintan's Park and therefore satisfies the policy to relax open space requirements.

Provision of 56sq.m remains with the existing dwelling which provision is also in excess of the relevant standard for a three bed dwelling as set out in the SRDCSG.

Please refer to the revised ground floor site plan PA 100 revised October 2026 attached as appendix 1 to this appeal which outlines the open space calculation and distribution of private open space.

The issue of the quantum of private open space as set out in the reason for refusal has therefore been fully addressed.

The quality of the private open space has also been mitigated by the reason of the increase in open space provision. The rear garden area is sheltered and while facing north will enjoy eastern and western light and sunlight. The rear garden is immediately and directly beside the living area and can accommodate an outdoor room garden, which has easy access and will be actively used and is sheltered.

The allocation of a bin store area within the front garden does not adversely impact the function of the private open space but provides a coherent design for the ordering of the waste services for the proposed dwelling. The front garden provides an immediacy of "nature" on entering the site. The house is set within its garden context to the front, which gives the front garden a high quality amenity and functional aspect

because of its immediacy to the front door and the kitchen area. It is orientated generally to the south and will enjoy sunlight for most of the day.

The distribution of the garden spaces in a discrete and planned manner so that they directly access the living areas of the proposed house increase the ease of use and access and imbue a high quality amenity and functionality. The house is set within a garden context.

The quality of the private open space is high as the garden areas are located directly serving the living room and facing the kitchen, the orientation is north to the rear which in the current climate change scenario provides for a shaded garden and the front garden faces south providing for a sunny aspect thereby accommodating two different climate zones and habitats in the garden allowing the applicant to benefit from a choice of climate zone while both gardens will enjoy shelter.

A major goal and objective of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 was to promote an increase in provision of own door houses and provide for flexibility in the application of relevant standards of private open space to facilitate such an increase. The proposed dwelling satisfies this overriding goal.

The design intent of the Sustainable Residential Development and Compact Settlements Guidelines in regard to private open space is to promote flexibility and usefulness and the guidelines reference notable high density house schemes in the UK where private open space is distributed in the form of patio gardens and/or upper level terraces and balconies. The design of the quality and functionality of the private open space of the proposed dwelling fully accords with the principles of the Sustainable Residential Development and Compact Settlements Guidelines in terms of quality and the location of the garden areas at ground level increases their beneficial aspect compared to the guideline case studies which are reliant on balconies and upper floor terraces.

The quantity and the quality of the proposed private open space far exceeds the area standards and design intent for quality of *SPPR 2 of the Sustainable Residential Developments and Compact Settlement Guidelines 2024*.

While the Planning report considered the NPF and climate section of the development plan in regard to general policy and the materials used in the proposed development it failed to consider the substantive issues of implementing the NPF goal of 50% of homes within the existing built up footprint and failed to have regard to the Climate Action Plan or achieving sustainable planning outcomes.

The Planning report failed to consider the unintended consequences that the effect of a refusal of permission is to undermine the efficient use of scarce urban serviced land and undermine the acceleration of housing delivery, which is a key goal of the revised NPF 2025. It fails to accord with the Ministerial Guidelines for the Implementation of Housing Growth Requirements 2025, which is a statutory obligation under S28 of the Act.

The Minister consequent on the revised housing need and demand for 50,000 units p.a. directed all Local Authorities to vary their development plans to increase the extent of residential zoned land.¹

¹ Further to approval of the Revised NPF in April 2025, which sets out a need to plan for the delivery of approximately 50,000 additional housing units per annum to 2040, it is now necessary to replace the Housing Supply Target Methodology for Development Planning, Guidelines for Planning Authorities published in 2020, and to provide updated 'housing growth requirements' to local authorities in order to facilitate the review and variation of city and county development plans. (**NPF Implementation 2025- Guidelines for Planning**

The consequence of refusal of permission for the proposed dwelling:

- Ideally located on urban serviced land and
 - As set out in the DLR planning report, optimal in every other way,
- is to place further pressure on housing resources and generate a need to procure additional urban land and ultimately directs housing development to greenfield sites the contrary of implementing compact growth.

This in turn generates a need to provide investment in additional services infrastructure at significant public cost and contrary to the common good to satisfy housing demand within the existing developed urban area.

A critical objective of compact growth as set out in the NPF 2025 is to accommodate housing within the existing development footprint. At least 50% of new homes in the Dublin region are to be delivered within the existing built up footprint. The proposed development is an exemplar of satisfying that objective and the refusal of permission is a failure to implement the objectives of the NPF or satisfy Climate Action plan objectives.

The recent Supreme Court case in *Coolglas Windfarm V An Bord Pleanala*² highlighted the significance of climate obligations at Para 41 of the judgement:

S15(1)(g) of the Climate Act as amended 2021 provides that a relevant body “shall, in so far as practicable, perform its functions in a manner consistent with” certain Climate Plans and Objectives, including CAP 24 and recent national long term climate action strategies In this way, s. 15(1) imposes a qualified obligation to act consistently with these climate obligations. Relevant bodies are also obliged to exercise their functions with reference to the objective of mitigating greenhouse gas emissions.

The Climate Action Plan 2025 contains legally binding targets set in climate legislation, for an imperative to deliver Irish climate neutrality by no later than 2050. The NPF targets for compact development support this goal.

The refusal of permission in this case failed to consider the substantive climate action plan issues or sustainable planning outcomes. We submit that if the planning authority had taken sufficient regard of the substantive climate action plan issues in this case it would have inevitably led to a grant of permission based on the efficient use of scarce urban serviced land as the design is innovative and protects established residential amenities. The decision in this case to refuse permission is unsustainable in terms of wasteful use of scarce urban serviced land and results in an unsustainable planning outcome.

Furthermore it is noted that in terms of demand for urban housing in Dun Laoghaire the areas characterised by limited private open space such as Coldwell Street and Findlater Street in Glasthule and Cross Ave and Desmond Ave in Dun Laoghaire exhibit high levels of resident satisfaction and residential amenity and quality and are in huge demand by purchasers and are snapped up if and when they come on the market.

The quantum and quality of private open space provision has been revised to comply with the design intent and SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines and the development plan.

Authorities issued under Section 28 of the Planning and Development Act, 2000 (as amended)

² *Coolglas Windfarm Ltd. V An Bord Pleanala* (2026) IESC 5

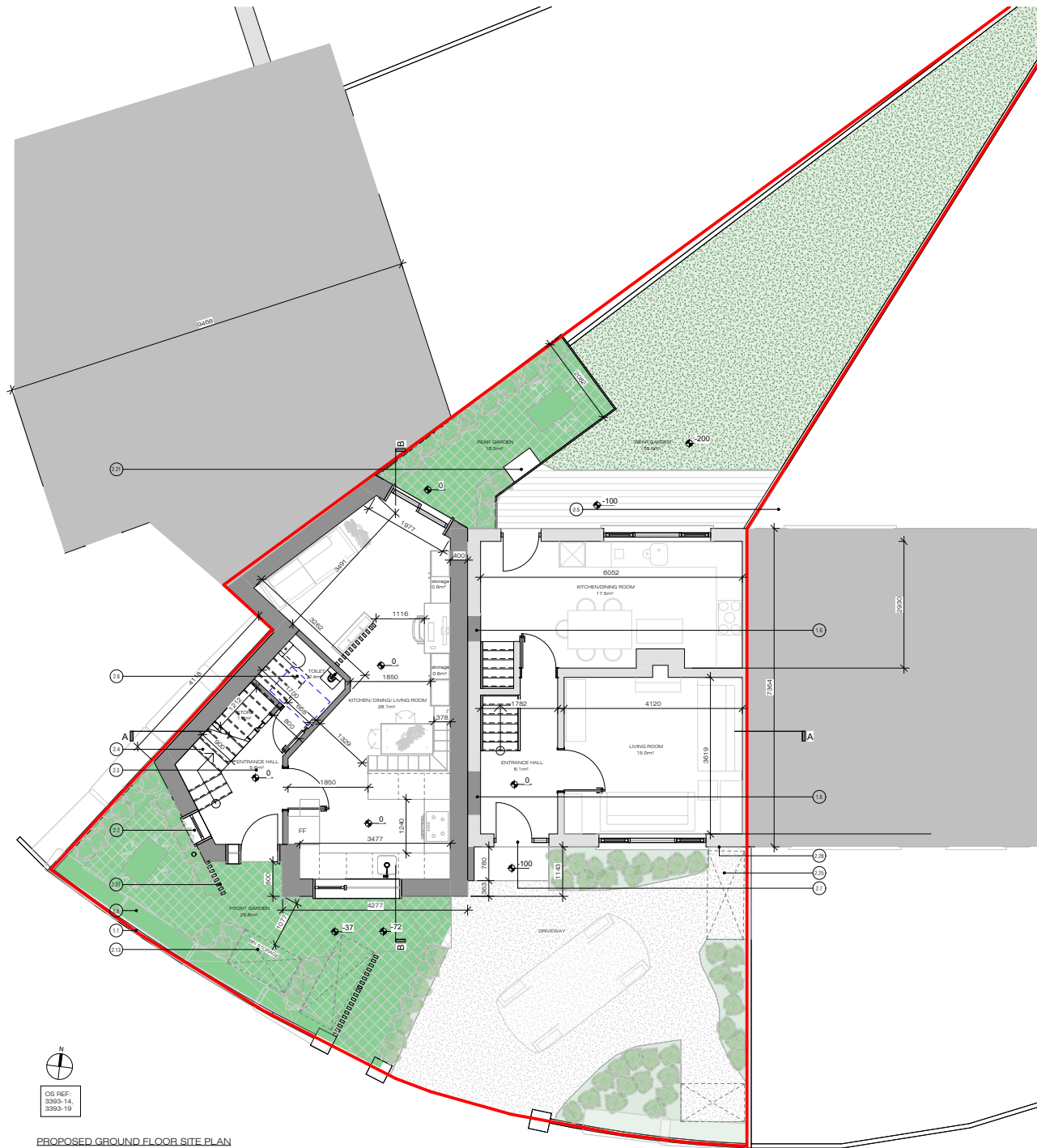
2. Concluding Statement

The decision of the planning authority to refuse permission should be dismissed on the grounds that the reason for refusal has been obviated.

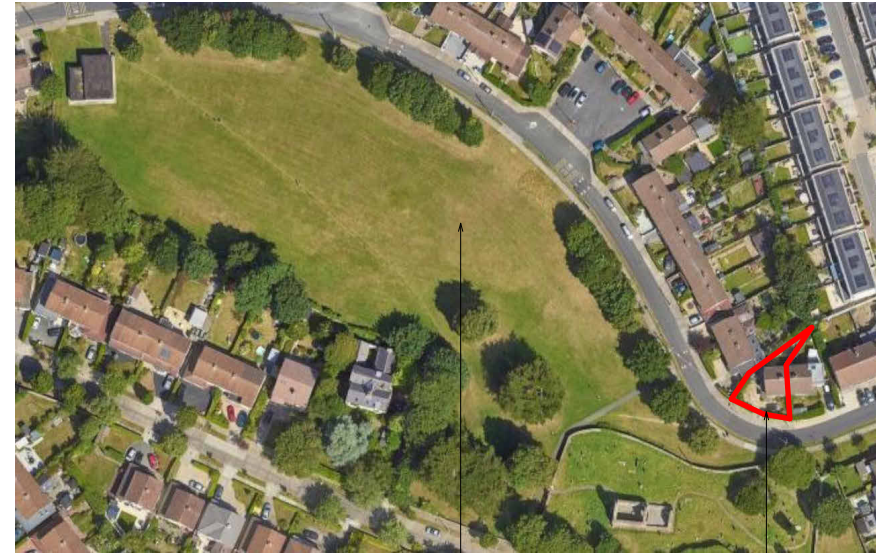
Having regard to the innovative design and the protection of residential amenity the provision of adequate private open space in terms of quantity and quality in accordance with SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines 2024, which supersede the Development Plan requirements and having regard to the need to accelerate housing delivery on existing urban serviced land in line with the NPF 2025, and The NPF Implementation Guidelines and the goal of the Climate Action plan 2025, we hereby request an Coimisiún Pleanála to grant permission for the proposed development.

A handwritten signature in black ink, appearing to read 'Ann Mulcrone', with a stylized, cursive script.

Ann Mulcrone



PROPOSED GROUND FLOOR SITE PLAN
Scale 1 : 50



ST.FINTAN'S PARK

99 ST.FINTAN'S PARK

PLANNING KEYNOTES

- 1.1 EXISTING SITE BOUNDARY - SUBJECT OF APPLICATION
- 1.6 EXISTING WINDOW OPENINGS TO BE CLOSED
- 1.8 EXISTING HEDGING TO BE RETAINED
- 2.2 PROPOSED TRIPLE-GLAZED ALU-CLAD WINDOWS & DOORS TO SELECTED RAL
- 2.3 PROPOSED ENTRANCE HALL
- 2.4 PROPOSED TIMBER STAIR
- 2.5 PROPOSED STORAGE SPACE
- 2.6 PROPOSED WC
- 2.7 PROPOSED MODIFICATIONS TO THE FENESTRATION OF 99 ST.FINTAN'S PARK
- 2.13 PROPOSED BIN STORAGE LOCATION - 99A ST.FINTAN'S PARK
- 2.21 PROPOSED EXTERNAL HEAT PUMP LOCATION
- 2.25 PROPOSED BIN STORAGE LOCATION - 99 ST.FINTAN'S PARK
- 2.27 PROPOSED PERMEABLE PAVING TO THE FRONT COURTYARD
- 2.28 PROPOSED EV CHARGING STATION

OUTLINE OF SITE IN RED

OUTLINE OF OTHER LANDS IN APPLICANT'S OWNERSHIP

PRIVATE OPEN SPACE CALCULATIONS

PRIVATE OPEN SPACE	
FRONT GARDEN =	25.6 SQM
REAR GARDEN =	10.5 SQM
TOTAL =	36.1 SQM