



MCAULAYRICE
architects

The Secretary
An Coimisiún Pleanála
64 Marlborough Street,
Dublin 1,
Co Dublin

15th October 2026

Our Reference: Elizabth Hastings

Planning Authority Reference Number:

D26A/0568/WEB

Council:

Dun Laoighaire- Rathdown Co Council

Applicant:

Elizabeth Hastings

Application Made:

Retention and Full Planning Permission for the following . 1 – Retention permission is sought for the retention of an existing residential unit measuring 38sq.m on site. 2. Full planning permission is being sought for the alterations and modifications to plans and elevations of this current residential unit to be converted into a new studio style apartment which will comply with the current development plan, and all associated site works.

Address

Highfield Mews, Highfield Park, Dundrum, Dublin 14. D14 N599.

Agents

McAulay Rice Architects

Agents Address :

1st Floor , Green Tree House , Fitzwilliam Square, Wicklow Town , Co . Wicklow

Please forward all correspondence to Agents Address

Fee Paid – A5 – Appeal including retention : 660 euro

Dear Sir/Madam

On behalf of our client Elizabeth Hastings, we wish to make an appeal in relation to our client's recent refusal decision by Dún Laoghaire-Rathdown Co Council file ref no. D26A/0568/WEB which was refused on following assumptions:

Refuse Permission for the following reason:

1. The Planning Authority considers that the use of the existing structure as a residential unit constitutes a highly vulnerable form of development within Flood Zones A and B. Having regard to Section 5.2.2 of Appendix 15 (Strategic Flood Risk Assessment) of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, which states that it is not appropriate for highly vulnerable development to be located within Flood Zones A or B, the retention of the development would be contrary to the flood risk management objectives of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

We would ask the board to consider the following :

The planning department's recent refusal based the decision on the highly vulnerable form of development within Flood Zones A and B having regard to 5.2.2.

There are several points that we would like the board to consider and hope that when it is making its decision that it could consider a more commensurate approach to the findings of the planning department.

The Following is a short brief outline of the previous usage of the building in question.

The current structure originally was a storage facility which formed part of an overall residential development constructed in the early 1980's.

The storage unit was converted to an office and subsequently granted permission by An bord for use of same for a period of time on a number of occasions after which it was to be returned to a storage area. It is our understanding that the primary reason for such a decision was that the zoning relating to the site was residential and not commercial and that the usage was unacceptable more so than a flood risk.

In our opinion it has to be recognised that, albeit for only circa 8 years, this unit legally successfully acted as an office space and was connected to all services without interruption and without any flooding issue.

As stated in our planning letter "The unit ceased been an office in 2003 and was returned to a store. In 2011, it began to be reused as residential unit on site. Whilst the applicant appreciates how this may look to the council; it was a needs must situation for the applicant and she would ask for the council to consider the turbulent nature of her life between 2008-2012.

The applicant had gone through a divorce between 2008 and 2010 with the separation signed and confirmed in March of 2010. As with any separation assets and belongings had to be subdivided and sold and the applicant needed to become totally independent and support herself and her children. The building was subsequently rented out to provide an additional income to support the applicant and her family.

We would also argue that since the early 80's this unit either as a store or as an office facility has never been flooded. No construction externally works are required to modify this unit as all works are internal or on existing walls .

No alteration of any ground conditions, services , access roads , piping , connections will be altered as part of this application.

The council has based its refusal on the following section of the development plan

Development in Flood Zone A or B

Minor Development

As a variation to Section 5.28 of the Planning Guidelines on Flood Risk Management, subject to the specific requirements of Section 5:

'Applications for' minor development, such as small extensions .to houses or the rebuilding of-houses; and most changes of use (changes of use that do not increase the level of vulnerability of the development) of existing buildings and/or extensions and additions to -existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into-flood risk areas or entail the storage of hazardous substance : Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower risk areas, and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities.

These proposals should follow best practice in the management of health and safety for users and residents of the proposal.

However, infill development of any scale is not, as part of this SFRA, considered minor development and should be assessed under Sections 5.2.2 and 5.2.3 below.

There are a number of areas within Dun Laoghaire-Rathdown that prove to be exceptions to this approach so the detail contained in Section 6 should be consulted for more site-specific information; in particular those areas where the need for a Flood Relief Scheme has been identified and development is premature until that scheme has been completed.

Highly vulnerable development in Flood Zone A or B other than Minor Development

Development, which is highly vulnerable, as defined in The Planning Guidelines, includes (but is not limited to) dwelling houses, hospitals, emergency services and caravan parks (see Table 2.2 for further information).

It is not appropriate for new, highly vulnerable, development to be located in Flood Zones A or B other than in those areas deemed to have passed the Development Plan Justification test in Section 6. Instead, a less vulnerable or water compatible use should be considered.

In cases where specific development proposals have passed the Justification Test for Development Plans, the outline requirements for a flood risk assessment and flood management measures are detailed in this SFRA in the following sections and the site-specific assessments in Section 6 which also detail where such development has been justified. Of prime importance is the requirement to manage risk to the development site and not to increase flood risk elsewhere and to consider residual risks. In particular, a sequential approach to land use within the site must be taken and will consider the presence or absence of defences, land raising and provision of compensatory storage, safe access and egress during a flood event and the impact on the wider development area. The supporting Flood Risk Assessment must take into account residual risks, including the impacts of climate change.

Analysing the key words within 5.2.2 and 5.3 of the development plan we have found the following applies to our client's submission.

In Regard to 5.2

5.2

'Applications for' minor development, such as small extensions .town houses or the rebuilding of-houses; and most changes of use (changes of use that do not increase the level of vulnerability of the development) of existing buildings and/or extensions and additions to -existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into-flood risk areas or entail the storage of hazardous substance : Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower risk areas, and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding

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Is the proposal minor?

Answer :Yes, the development already exists and is in situ it will not affect the area and has had previous usage as an office space. No major works are required and any works are minor

Does the proposal increase the number of buildings in the area?

Answer : No, the building/structure has been in situ since 1980 and has never been flooded.

Does the change of use /alteration increase flooding issues?

Answer : No, all piping ground works stay as they are.

Does the proposal obstruct important flow paths?

Answer: No, no changes are proposed or necessary.

Does the proposal introduce a significant additional number of people into-flood risk areas?

Answer; No, the previous office had a minimum staff of 2, this proposal is for 1 person studio.

Does the proposal entail the storage of hazardous substance?

Answer: No, it currently is a residential unit.

Is there a commensurate assessment done of the proposal?

Answer : Yes, please see attached report from Pat O 'Sullivan (Core Ltd) where it has been proven that the site is not a flood risk issue.

Does this prove it would have **no** adverse effect, impact or impeded the water course?

Answer: Yes :

In regard to :

Sections 5.2.2 and 5.2.3 below.

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It is not appropriate for new, highly vulnerable, development to be located in Flood Zones A or B

The site is located in flood Zone B and on an elevated site in relation to this area.

The site is very low risk – Please see attached report from Pat O ‘Sullivan, Core Ltd.

A Specific site flood risk assessment has been carried out, and no concerns were raised for this particular unit .

6.2.14 The Dundrum Slang

Future development in this_area shall be limited to Minor Development as defined in Section 5.2.1. The Dundrum Slang ICM-study completed in 2020 has highlighted flooding at the southern end of the Dundrum Shopping Centre (25) and in the vicinity of the Wyckham Way, Sandyford Road and Overend Avenue interchange, and Willowbank; with significant areas of pluvial ponding likely to occur.

Development in this area is a-mix of existing commercial and residential.

A Specific site flood risk assessment has been carried out in relation to this section and as per our consultant’s report, no concerns were raised for this particular unit.

In Conclusion :

It is our opinion that this proposal complies with the current development plan and should not be refused.

The zoning and usage are correct. The planning department are satisfied that the use as a studio does indeed comply with the development plan.

Whilst the site is located in a flood zone, it has never been flooded in over 40 years and is located in low risk area of Flood Zone B, as per our consultant’s report.

The structure already exists and has been used in the past as an office unit with the benefit of planning.

All services , roads , networks, cap parking are in place. No alterations to any flood risks, piping are proposed and no external works are needed as part of this submission.

No works are required other than conversion works to the unit itself to comply with the studio proposal.

Should you require any further information from us please do not hesitate to contact us

Yours sincerely,



Ian McAulay
Director
McAulay Rice Architects



