MARSTON

PLANNING CONSULTANCY

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

24th October 2026

Our Ref. 26122

**Re: Planning & Development Act 2000 and the Statutory Regulations made thereunder (as amended). Third party appeal by Tom Duffy, Tom Duffy Architects, 5a Collins Park, Donnycarney, Dublin 9, D09 FYK7; against the decision by Dun Laoghaire-Rathdown County Council to grant permission for the amalgamation of 3 no. ground floor units to provide a single retail unit (c. 722sqm GFA) including an ancillary alcohol sales area (c. 41 sq.m); (ii) the amalgamation of 2 no. first floor office units and removal of the existing mezzanine office space to provide a single office unit (c. 119sqm); (iii) minor external elevational changes including new signage zones, new glazed shopfront, vinyl window coverings, and new automatic sliding door; (iv) associated external plant area and bin store (c. 43sqm) with new steel mesh screen and gate; (v) widening of the existing vehicular entrance from the Dundrum Road (R117); (vi) realignment of the car park spaces resulting in 17 no. spaces including an accessible space, parent and child spaces, provision of 12 no. cycle parking spaces, and a pedestrian crossing; and (vii) internal fit out works, ancillary site services and site development works at Frankfort Centre, Dundrum Road, Dundrum, Dublin 14.**

**Dún Laoghaire-Rathdown County Council Planning Ref. D26A/0588/WEB**

**Date of decision: 28th September 2026**

**Last day for submitting an appeal to An Coimisiún Pleanála : on or before end of 27th October 2026**

Dear Sir / Madam

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin 18, D18 T3Y4; are instructed by our client, Tom Duffy, Tom Duffy Architects, 5a Collins Park, Donnycarney, Dublin 9, D09 FYK7; to submit the following third party appeal to An Coimisiún Pleanála against the decision of Dún Laoghaire-Rathdown County Council to grant permission, subject to conditions, for the above described development.

In compliance with the statutory regulations we enclose herewith payment for the sum of €220 as the statutory appeal fee in this instance for the making of a Third Party Appeal. We have enclosed with this appeal a copy of the letter of acknowledgement that was addressed to the appellant from the Planning Authority (Dún Laoghaire-Rathdown County Council) in respect of their objection/observation relating to the planning application as described above.

We can confirm that we have inspected the planning files (including the drawings and particulars) and the Technical Reports of the Planning Authority relating to this planning application and reviewed the existing site and its relationship with the Dundrum Road. We confirm that we have inspected the subject appeal site and examined the planning drawings and other particulars that form part of this planning application.

We submit that the grounds for overturning this decision and refusing permission in this instance are clear and unambiguous. The Council in making its decision have erred on a number of points. They have failed, despite considering the Central Mental Hospital redevelopment, to consider two highly pertinent changes to the land use context of this site, which is the permission granted for the Frankfort House SHD (114 units) on lands to the immediate north-west; and the current LRD application at Sommerville House (109 units) to the east of the Dundrum Road opposite the site.

We submit that the proposed development is flawed on a number of grounds relating to its zoning; traffic, noise and the nature of the use being proposed. We strongly contend that a well-considered assessment of the application as granted by the Council, must lead to a conclusion that the decision should be overturned.

We submit to the Commission that the proposed development fails at a local level to successfully integrate into the existing character of the area. The proposed development fails to achieve the high quality urban design and mix of uses contrary to Objective NC1, NC2, Policy DLAP45 and section 6.6.1 of the Dundrum LAP.

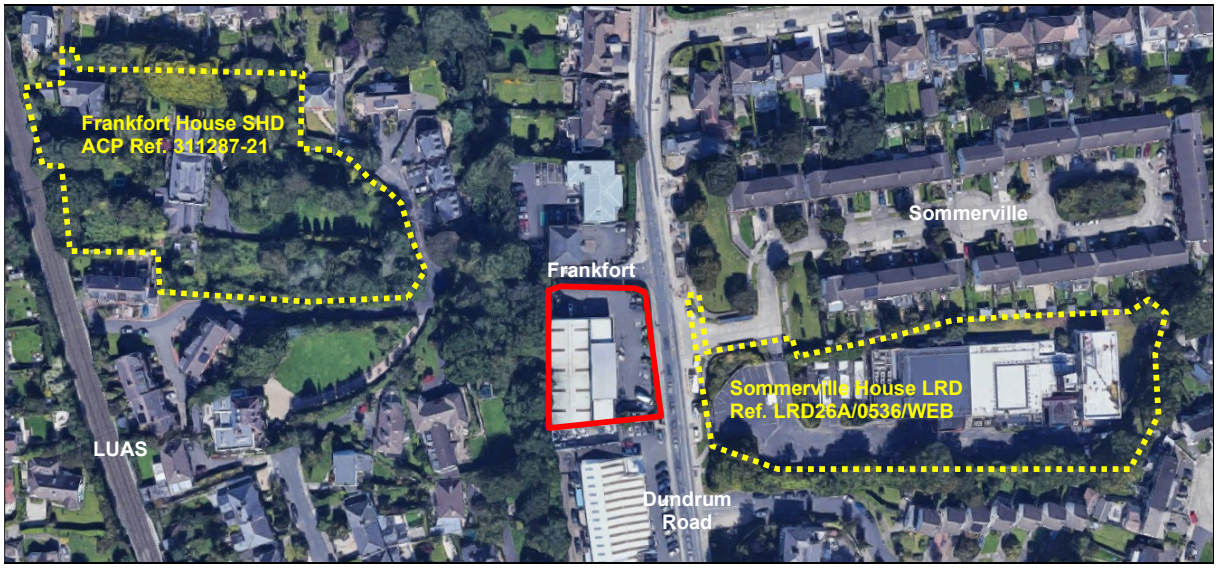
The proposed development will have a negative impact on traffic and as a result reduce the residential and visual amenity of the area. We submit that when considering all elements of this application it is incumbent on the Commission to reach conclusions that the proposal reflects a poor design and layout that has not addressed or respected the requirements to upgrade its design and layout.

Furthermore, the proposed development will result in a traffic hazard, due to congestion on the Dundrum Road as well as overspill car parking in adjoining residential estates as well as haphazard car parking that will compound the already poor traffic conditions and overflow car parking. When all the aspects of this application are considered relative to the context, it is clear that the proposal amounts to an overdevelopment of the site and should be refused.

Prior to outlining the detailed grounds for our client's appeal it is useful that the context of this application relative to our client's property is laid out before the Commission.

## 1. Subject site and environs

The subject site of 0.18ha. is located on, and to the immediate west, of the busy Dundrum Road. The site is currently occupied by a two storey commercial building that has its vehicular access located centrally along its Dundrum frontage. The existing site contains c. 25 car parking spaces and is positioned adjoining the access road known as Frankfort to its north. The River Slang flows in a south to north direction to the immediate west and below the application site, and this runs into the River Dodder system to the north. A Hyundai car dealership bounds the site to the south.




*Aerial view of application site with two strategic housing developments outlined in yellow*

The existing building on site is of a very poor design and adds nothing and detracts from the character of the area. It includes a two storey newer element to the front that hides a more basic single storey warehouse type building to the rear (see below). No material changes are proposed to this elevation.



The Dundrum Road (R117) is already a heavily trafficked road that leads from Milltown towards the Dundrum Major Town Centre. There is a bus stop to the immediate north of the Frankfort junction for buses travelling south, and another opposite this junction for buses travelling south. The entrance to Sommerville estate is opposite the access to the site with a yellow box on the south side of the road adjoining this junction. Ad-hoc car parking occurs on the eastern side of the road opposite the site, close to the junction with Sommerville. The public footpath narrows to an unacceptable and unsafe width at the southern end of the site. No pedestrian crossing exists across the Frankfort junction.

***Development Plan context***

The application site, and together with the site to the immediate south (the car dealership), is zoned as NC, which seeks "*to protect, provide for and/or improve mixed use neighbourhood centre facilities*". The lands on all other sides are zoned as 'A' with the objective "*To provide residential development and improve residential amenity while protecting the existing residential amenities*".

The site is also located within the proposed Dundrum Local Area Plan 2023. The LAP identifies the site as an opportunity site and states under Objective NC1 states that any redevelopment of the site should incorporate design quality and improvements to the public realm. It is a specific objective under the CDP "*To support the recommendations of the Dundrum Community, Cultural and Civic Action Plan*".

## 2. Planning history

The site was subject to an application in 2022 for the demolition of the existing buildings and construction of a 5-6 storey apartment block to include 64 apartments to be served by 32 car parking spaces at basement level that was refused by the Council (Ref. D22A/0255) and then on appeal by the Commission (Ref. PL06D.316470).

The permitted SHD application at Frankfort Castle under ACP Ref. ABP-311287-21 was for 114 residential units, a creche and 77 car parking spaces was subject to a recent amendment application, to amend minor elements of the permitted scheme. All car parking spaces are to be accessed via Frankfort to the immediate north of the site.

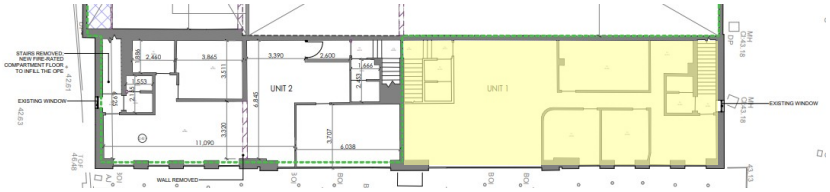
The LRD application at Sommerville House was recently made (Ref. LRD26A/0536/WEB) for 109 residential units to be served by 49 car parking spaces that, if permitted, will all be accessing the Dundrum Road immediately opposite the access to the subject site. This LRD application follows the refusal of an SHD application on this site under TA06D.312935.

The Central Mental Hospital permission for 934 units, includes 1,160sqm retail development, and will be served by c. 500 car parking spaces that will all be accessing onto the Dundrum Road as permitted by the Commission under Ref. ABP-320912-24.

This is without doubt an area that is in transition, and where additional pressure is going to be placed on the road network as a result of these and other permissions.

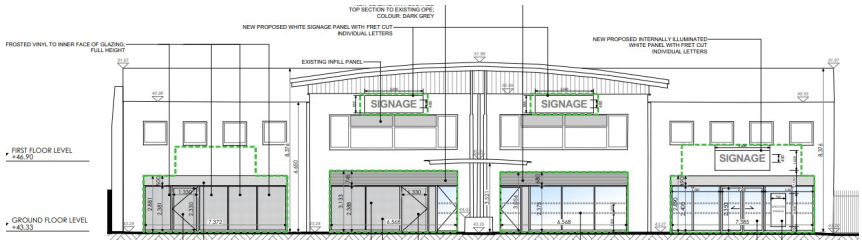
## 3. Nature and extent of the proposed development

The proposed development comprises the amalgamation amalgamation of 3 no. ground floor units to provide a single retail unit (c. 722sqm) including an ancillary alcohol sales area (c. 41sqm) within this existing part single storey and part two storey mixed commercial unit. The proposal also includes for the amalgamation of 2 no. first floor office units and removal of the existing mezzanine office space to provide a single office unit(c. 119sqm). One other office is indicated as remaining at first floor that is of a similar size. In making their decision, the Council would appear to have failed to adequately consider this remaining office space in making their decision (excluded by dashed green line in submitted drawings).



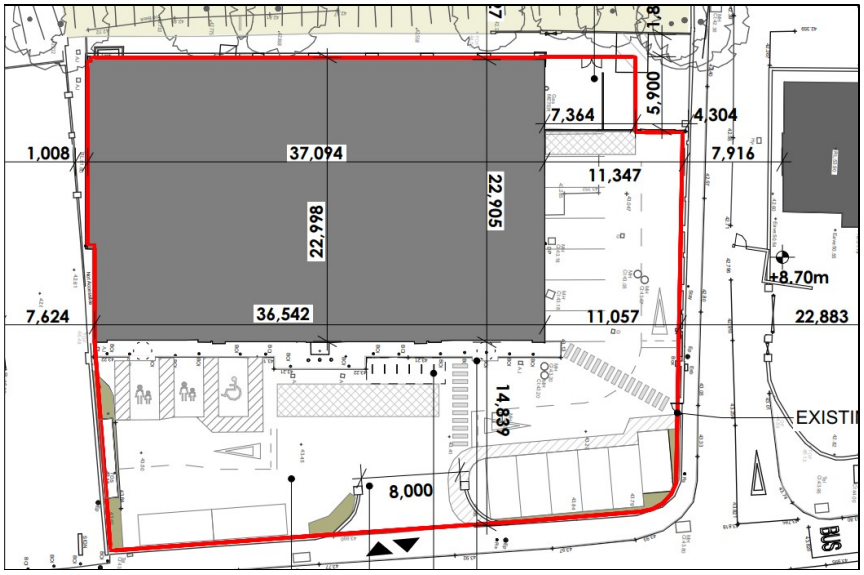

*Proposed first floor layout with office space not included in this application shaded in cream for clarity*

The proposed development seeks very minor elevational changes that relate to new signage zones, new glazed shopfront, vinyl window coverings, and new automatic sliding door.




*Proposed front elevation of the proposed development*

The proposed development will include a new car parking layout for a stated 17 spaces, with no change to the front boundary wall, and with a widening of the entrance from the Dundrum Road. It is unclear, and dubious whether all of these spaces, which are laid out in an ad-hoc manner, are accessible. An internal pedestrian crossing is also proposed from the north-east corner of the building towards the Frankfort pedestrian entrance where there is an extremely narrow and substandard pedestrian footpath.




*Proposed site layout plan of the proposed development- note inaccessible spaces*

## 4. Decision of Planning Authority

The Planning Authority issued a decision to grant permission on the 28th September 2026, subject to only 5 conditions. Condition no. 2 required a complete redesign of the access arrangements, including a separate pedestrian entrance to be 2m wide, staff changing / showers, bicycle parking and other what can only be described as standard development requirements.

The Transportation Planning Division of the Council had serious concerns in terms of the access and parking arrangements. The case planner stated that the proposed parking was only 3 no. spaces below the maximum car parking allowable.

The retail component equates to a maximum of 18 car parking spaces; whilst the two office spaces equating to a maximum of two spaces, making a maximum of 2 spaces; meaning a requirement for a maximum of 20 spaces overall. The Transportation Planning Division of the Council stated in making their decision that 17 spaces was acceptable. The reality is that significantly less parking can be provided on site, and it is unclear how the site would be serviced given that the storage area for goods is to the south of the unit. The decision of the Council was flawed in leaving significant questions that remain for the Commission to determine, and we would respectfully suggest refuse permission in this instance.

## 5. Grounds of Appeal

The full grounds of our client's third-party appeal together with the arguments, reasons and considerations upon which it is based are set out below. We submit that the proposed development, by nature of its design and layout would be seriously injurious to the amenities of the area, and would be contrary to the proper planning and sustainable development of the area and should be refused.

The proposed development in seeking to convert an existing commercial development into a supermarket with offices , with no aesthetic or urban design improvements, is contrary to Objective NC1, NC2, Policy DLAP45 and section 6.6.1 of the Dundrum LAP. We submit that when considering all elements of this application it is incumbent on the Commission to reach conclusions that the proposal reflects a poor design and layout that has not addressed or respected the requirements to upgrade its design and layout.

The proposed development will result in a traffic hazard as a result of the inadequate car parking numbers; the need for cars to turn across traffic to enter the site; the poor servicing of the site as well as the inadequate pedestrian connectivity to the site. This will lead to unacceptable traffic and pedestrian movements and conflicts that will result to a serious traffic hazard. We request the Commission to consider all these issues and to reach a decision that overturns the County Council decision and refuse permission.

***Negative traffic impact***

We submit to the Commission that it cannot be questioned that the Dundrum Road (R117) is a busy and heavily congested arterial road heading into Dundrum. It also cannot be contested that the road has been the subject of many substantive permission in recent years, which are at various stages of the post planning application process, that will add significantly greater pressure on this regional road in terms of traffic levels that will undoubtedly lead to a traffic hazard.

The existing uses on site operate, we would contend, very low levels of traffic movements. No evidence to the contrary is provided by the applicant, and nor has the Council considered the differences between the uses, and levels of traffic that would be generated in making the application and decision.

The proposed development will generate, primarily car based transport, in part due to the inadequacy of the surrounding pedestrian environment. There is no capacity to create a right-turning lane for south moving traffic to wait in a turning lane to enter the site. A car wishing to turn right into the site would need to wait and block south moving traffic. This would also block traffic trying to exit from Sommerville and from Frankfort, and due to the position of the entrance / exit opposite the Sommerville entrance has the potential to result in cars seeking to undertake cars waiting to turn and thus creating a potential collision with cars parked to the south of the junction or cars seeking to exit from Sommerville. The cars would also be in conflict with the yellow box junction that enables cars to exit Sommerville onto Dundrum Road. A supermarket/large convenience store relies on a continuous, high-volume turnover of customer traffic.

Furthermore, the argument of the Council planner that the proposed development will serve the future and expanding residents has taken no account of the poor pedestrian environment in the area. In essence future residents will be forced to drive to the store, due to the poor pedestrian connectivity and safety.

The level of vehicular traffic, will, without doubt lead to severe tailbacks, unsafe turning movements across oncoming traffic, and a heightened risk of collisions on a critical regional road. Whilst the applicant has indicated a single HGV movement into the site as part of the application based on the HGV travelling from the Dundrum direction. No assessment was undertaken from the other direction, and no consideration was made of the need to have a narrower entrance and separate pedestrian entrance to the front.

In addition to this, the site has a heavily restricted car parking layout, and this will be required to be further reduced as a result of the conditions attached to the permission. This will result in haphazard and overspill car parking in surrounding residential estates resulting in a loss of residential amenity to these estates. The proposed development will result in a traffic hazard and we request the Commission to overturn the Council decision and refuse permission.

***Urban Design***

Whilst the subject site is zoned for neighbourhood centre uses, with the adjoining site to the south, the zoning of the site is merely only one aspect to be considered in refusing this application. The urban design and elevational aspect of this application is a key one for the Commission to consider in this instance. The

application includes only minor changes to what is already an incongruously light-industrial type designed building that offers no improvement to the public realm in this instance.

The elevation and layout changes are in complete contradiction of the need for any redevelopment of this site to result in improvements to the public realm and active frontage. We respectfully submit that the justification for the lack of public realm improvements by the Council is notable, and would appear on the simple basis that the applicant is seeking to redevelop the site. Contrary to the claim of the Council, there are no meaningful improvements to the façade of the building being proposed in this instance.

We submit that it is not in question that Objective NC1 of the Dundrum LAP requires proposals to improve the design quality and condition of the public realm, and include measures such as active street frontage, urban greening and enhanced active travel amenities. The proposed development fails to achieve any of these in this instance. Similarly Objective NC2 seeks active frontages but also a mix of appropriate neighbourhood centre uses. We submit that the Council are entirely incorrect to state that the principles of this objective should not be applied in this instance. There is no public realm improvement and there is no greening or planning gain being achieved under the application.

We request the Commission to do their own assessment of the elevation changes being proposed and reach the same conclusions as the appellant in this instance in that there is no modernisation of the visual appearance of the property, and no improvement of the retail frontage. The proposed development is entirely contrary to Objectives NC1 and NC2 of the Dundrum LAP, and should be refused. The appellants conclusion is confirmed as being the correct one given the visual signage clutter being proposed in this instance.

***Negative retail impact***

We note that no assessment of the retail impact of the proposal on the vitality and viability of other existing neighbourhood centres has been undertaken. The new store, which is larger than a generally new convenience store on this neighbour centre zoned site to have the potential to lead to unhealthy competition and closure of other stores.

We submit that whilst the Council recognise a single permission (Central Mental Hospital redevelopment) which includes retail components of a larger scale, no account is taken of the availability of other retail centres, and how they may be dependent on the convenience store within it as an anchor. This includes the stores adjacent to the Mulvey Park junction; and the stores within the old Dundrum shopping centre.

The purpose of the zoning of the site is not to create a single supermarket but in accordance with the Dundrum LAP policy, which is to create a multi-functional centre. The small first floor offices do not enable or reflect that multi-use function and it is entirely reasonable to conclude that the proposed development is contrary to Policy DLAP 45 of the LAP.

We submit that the lack of pedestrian connectivity to this site is notable and therefore, there is no basis for the Council to claim that it will provide the day to day shopping needs of the future residents of the area. The pedestrian environment of the area is poor, and the first floor offices do not, in our considered opinion, offer the commercial mix of uses envisaged by the zoning and LAP; and as currently proposed must be refused on the basis of being contrary to Policy DLAP45 and 46 of the Dundrum LAP.

No evidence that there is an under supply of convenience provision is provided by the applicants to justify the scale of the proposal. Furthermore, we submit that the location of the proposal will engender the complete opposite of what the applicants' agent suggests due to the location within easy access of a multiple of other convenience stores.

We respectfully submit that the scale of the proposed retail element is significantly above that of the local retail offer that would normally be associated with a centre such as this, and has the capacity to draw on population from outside of the local area, and introduce a high percentage of car based traffic, due to the scale of the retail unit and the readily availability of car parking that would be contrary to the proper planning and sustainable development of the area.

We respectfully submit that the proposal is not a local centre supermarket that is scaled to serve its local population, but of a scale that can only be justified by utilising a wider catchment than a local walking catchment (irrespective of the pedestrian environment). We request the Commission to conclude that there is no justification for the scale of the proposal and that the proposal as a result should be refused.

This definition is backed up by the definition of a neighbourhood / local centre within Annex 1 of the Retail Planning Guidelines, which remains in the Retail Planning Guidelines 2012, that state they are a:

*"Small groups of shops, typically comprising a newsagent,* ***small supermarket*** */ general grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment population"* (own emphasis added)

We therefore submit that the proposal is materially in conflict with national policy to support the vitality and viability of existing development as outlined in the Retail Planning Guidelines and County Development Plan. We respectfully submit that only one reasonable conclusion can be met in this instance and that the application should be refused.

## 6. Conclusions

We respectfully submit that there are substantive and forceful arguments which when taken collectively must lead to a conclusion that the decision of the Planning Authority should be overturned and the proposed development should be refused.

We respectfully submit that there are a number of critical matters for the Commission to consider in determining this application. Our clients concerns are not simply limited to the three substantive and inter-connected issues raised in this appeal.

We submit that the Council in making its decision have erred on a number of points. We submit that the proposed development is flawed on a number of grounds relating to its zoning; traffic, noise and the nature of the use being proposed. We strongly contend that a well-considered assessment of the application as granted by the Council, must lead to a conclusion that the decision should be overturned.

We submit to the Commission that the proposed development fails at a local level to successfully integrate into the existing character of the area. The proposed development fails to achieve the high quality urban design and mix of uses contrary to Objective NC1, NC2, Policy DLAP45 and section 6.6.1 of the Dundrum LAP.

The proposed development will have a seriously negative impact on traffic in the area that will undoubtedly result in both a traffic hazard and a conflict between pedestrians and traffic seeking to enter and exit the site. The proposed development will result in a traffic hazard, due to congestion on the Dundrum Road as well as overspill car parking in adjoining residential estates as well as haphazard car parking that will compound the already poor traffic conditions and overflow car parking.

We submit that when considering all elements of this application it is incumbent on the Commission to reach conclusions that the proposal reflects a poor design and layout that has not addressed or respected the requirements to upgrade its design and layout.

We strongly contend that a well-considered assessment of the application as granted by the Council, must lead to a conclusion that the decision should be overturned.

We request that An Coimisiún Pleanála assess this application based on these considered and objective planning matters and to overturn the decision of the County Council and refuse permission on the basis that the proposal would be in contravention of policies and objectives as set out under the Dún Laoghaire-Rathdown County Development Plan 2022-2028 as well as being contrary to the proper planning and sustainable development of the area including the preservation and improvement of amenities thereof.

We look forward to a favourable decision in due course.

Yours faithfully,



Anthony Marston (MIPI, MRTPI)
**Marston Planning Consultancy**