39 Coliemore Road Dalkey Co Dublin

AN COIMISIÚN PLEANÁLA
LDG-FEE-MAY-005198
ACP-
09 NOV 2026
Fee: € 220 Type: CASH
Time: 14:12 By: MMAD

9th November 2026

The Planning Appeals Section,
An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1, D01 V902.

Third-Party Appeal / Observation regarding Planning Reference No: D26B/0466/WEB

RE: Third-Party Appeal against the Grant of Retention Permission
Planning Authority: DLR Planning Department
Planning Register Reference Reference No: D26B/0466/WEB
Applicant: Chantal Mc Cabe
Development Description: Retention of steps and viewing platform at my address
Appellant: Aideen Doyle
Address of Appellant: 39 Coliemore Road Dalkey Co Dublin

Dear Sir/Madam,

I wish to submit this third-party appeal against the decision / observation on the appeal regarding] the decision of DLR Planning Department to grant retention permission for the above-referenced development.

I made a valid observation/submission on this application during the initial local authority public consultation phase. A copy of the council's formal acknowledgment letter is attached to this appeal

I, Aideen Doyle wish to lodge a third-party appeal against the recent decision of DLR Planning Department to grant retention permission for the above-referenced development.

I have enclosed the mandatory fee of €220 alongside the original acknowledgment letter from the Planning Authority verifying my submission at the local level.

I request that An Coimisiún Pleanála overturn the Council's decision and refuse retention permission based on the following planning grounds:

1. Severe Overlooking and Loss of Residential Amenity
The unauthorized viewing platform creates direct, invasive, and unmitigated overlooking into the private amenity space and habitable rooms of my property. This severely compromises my constitutional right to privacy and the enjoyment of my home. It directly devalues my property and constitutes an overbearing structure that fails to respect the surrounding residential context.

2. Lack of Legal Title and Structural Encroachment
The applicant has constructed the access steps by anchoring them directly into a boundary wall that is in my sole ownership. The applicant does not possess the legal title or the necessary legal interest to execute or retain works on this structure. Under Section 34(13) of the Planning and Development Act 2000, a grant of planning permission does not confer a right to build on land or structures outside the

applicant's ownership. The structural integrity of my boundary wall has been compromised without my consent.

3. Failure to Meet the Threshold for Retention Permission
The development was constructed entirely without an underlying original planning permission. Retention application should only be granted in exceptional circumstances where the development aligns with the proper planning and sustainable development of the area. This structure clearly breaches basic development standards regarding privacy and site density, and setting a precedent to allow it would undermine the integrity of the planning system.

Development Description: A 183 square meters is nearly **three times larger** (2.81x) than 65 square meters .than the demolished building was The replacement house must respect the character, scale, ridge height, and grain of surrounding properties. If a proposal is disproportionately massive compared to neighbouring homes and the streetscape, it impacts on the area

Metric	65 Square Meters (~700 sq ft)	183 Square Meters (~1,970 sq ft)
Typical Property Type	A comfortable **1 to 2-bedroom apartment** or a small terraced house.	A large **3 to 4-bedroom detached family home**.
Space Feel	Compact and efficient; ideal for singles, couples, or very small families.	Spacious; includes larger bedrooms, a home office, and extra storage.

Subject: Third-Party Appeal against the Decision of Dún Laoghaire-Rathdown County Council to Grant Retention Permission

- **Planning Authority:** Dún Laoghaire-Rathdown County Council
- **Planning Register / Reference Number: Planning Reference No:** D26B/0466/WEB
- **Development Location:** Bella Vista Coliemore Road

Description of Retention Development: Retention of front and rear curtilage walls and associated alterations to a replacement detached dwelling

Note attached by DLR Planning department 12th October 2026

The applicant is advised that in the event of encroachment or oversailing of the adjoining property, the consent of the adjoining property owner is required. If this written agreement is not obtained the proposed development shall be modified only insofar as is required to do this. NOTE: Any alterations to the drainage systems within the site are a matter for compliance with the Building Regulation

1. Grounds of Appeal

The local authority's decision to grant retention permission is flawed, unreasonable, and fails to adequately justify why the retention meets the proper planning and sustainable development of the area. Specifically:

1. Background and Locus Standi

Paperwork released April 2025 shows I am the owner of the land through an indenture not released to me until after the permission was given adjoining/encroached upon by the subject development I attach a copy of the council's original acknowledgment letter of my submission.

2. Grounds of Appeal / Objections Relating to Boundary Encroachment and Land Ownership

- **Unauthorized Encroachment on Private Property:** The structure/works subject to this retention application have been built directly onto land owned by [me / the affected neighbour, supported by legal title/indenture documentation.

- **Absence of Consent:** At no point was valid landowner consent given for the applicant to build on, occupy, or enclose this portion of private land. The true ownership and boundaries only became apparent upon completion/release of the property indenture/purchase documents, at which point the applicant had already proceeded without correct authorization.
- **Planning vs. Property Rights:** While the Planning Authority may have evaluated the physical structure under general planning criteria, a grant of retention cannot and does not override private property rights or legal title. Building on land belonging to another without consent renders the implementation of the permission legally flawed and gives rise to actionable civil trespass.
- **Prejudice to Residential and Property Amenity:** The retention of a structure encroaching onto neighbouring private property sets an unacceptable precedent, compromises property boundaries, and improperly shifts a private land dispute into the planning code. In light of the above, it is respectfully requested that An Coimisiún Pleanála **refuse retention permission** for the development [or attach appropriate conditions / annul the decision as requested].
-
- **Failure to Substantiate Reasons and Considerations:** Under the First Schedule, the council asserts that the retention development "would not detract from the amenities of the area" and complies with Objective 'A' zoning of the 2022–2028 Dún Laoghaire-Rathdown County Development Plan. However, the council has failed to reference or enforce the specific stipulations, height limits, set-backs, or design criteria that originally necessitated planning control.
- **Abuse / Inadequate Application of Retention Provisions:** Retention permission is an exceptional instrument in planning law. Granting retention for structural and curtilage alterations (including front and rear boundary walls and detached dwelling modifications) without rigorously evaluating the cumulative visual and spatial impact undermines the integrity of the County Development Plan.
- **Vague and Ineffective Conditions:** Under the Second Schedule, Condition 1 merely requires the development to be retained in accordance with lodged plans, while Condition 2 disclaims approval for aspects not adequately stated in statutory notices. These conditions are generic, fail to rectify the specific planning deficiencies of the built elements, and do not mitigate the negative impact on neighboring amenities.
- **Inadequate Assessment of Local Impact:** The screening assertions regarding local residential amenity, streetscape character, and visual integration lack factual backing in the planner's report.

2. Requested Action

In light of the above grounds, I/we respectfully request that An Coimisiún Pleanála annul the decision of Dún Laoghaire-Rathdown County Council and refuse retention permission

• Grounds of Appeal (Planning-Based Arguments)

An Coimisiún Pleanála is requested to refuse retention permission on the following planning grounds:

- **Unauthorized Use of Third-Party Property / Lack of Legal Interest:**
  The development for which retention is sought involves structural attachment to a boundary wall that is in my sole ownership [Insert details, e.g., "situated strictly within my property boundary / constructed on my land"]. The applicant did not have consent, permission, or legal interest to attach structures to, or load weight upon, private property owned by a third party. While civil property disputes are separate from

planning, the Board cannot grant permission that implicitly facilitates or normalizes trespass and unauthorized structural interference with a neighbor's property envelope without landowner consent.

- **Structural Integrity and Safety Concerns:**
  Attaching external steps directly to a boundary wall not engineered or designed for dynamic foot-traffic loads poses structural, safety, and damp-ingress risks to my property. No structural engineer's report demonstrating the load-bearing capacity and stability of the wall was provided by the applicant to substantiate that the wall can safely support these structures.
- **Visual Amenity, Overlooking, and Loss of Privacy:**
  The placement of the steps [and/or landing] allows direct overlooking into the private amenity space and windows of my residence severely compromising residential amenity, privacy, and quiet enjoyment of my property, contrary to proper planning and sustainable development of the area.
- **Non-Compliance with Development Plan Standards / Precedent for Unauthorized Building:**
  Granting retention for unauthorized works executed *ex post facto* bypasses the statutory planning process and sets an unacceptable precedent where developers can construct elements first and seek regularization afterward, undermining public confidence in the planning system.

Conclusion

The retained development causes severe damage to the residential amenities of my property through unacceptable overlooking and structural trespass. I respectfully request An Coimisiún Pleanála to uphold the proper planning guidelines of the area and refuse retention permission.

Yours faithfully,

Aideen Doyle

Aideen Doyle

Enclosures:
- Appeal Fee of €220
- Copy of Planning Authority Decision Notice
- Original Acknowledgment Letter of Local Submission
- Photographs showing the overlooking views and steps attached to my wall

39 Coliemore Road Dalkey Co Dublin

4th September 2026

Planning Department,
Dun Laoghaire-Rathdown County Council,
City Hall,
Dun Laoghaire,
Co. Dublin

D26B/0466/WEB

Dear Sir/Madam

I would like to put in an observation on the above application in regard the garage and is slope downwards which was not on the original application 2019

In regard Chantal Mc Cabe's Compliant map that was signed by an architect and under the Land Registry rule used she had to have a surveyor and the land in question is in an Indenture a neighbour now has which they did not receive until April 2025 so after her original application

The box was ticked 2018 stating the applicant owned the property when a land registry document was not made until 2019 that invalidates the planning application and approval Under the planning Laws all aspects have to be adhered to 19A/0130/C5 D18A/0238

An entrance to a garage sloping downwards on a hill can cause severe flooding, water damage, and dangerous driving conditions during bad weather.

Flooding and Water Damage

- **Rain pooling:** Heavy rain runs straight down the slope and floods the garage floor.
- **Property destruction:** Water ruins stored items, tools, and cardboard boxes on the ground.
- **Mould growth:** Trapped moisture creates mould and mildew that damage walls and smell bad.

Drainage and Maintenance Issues

- **Clogged drains:** Leaves and dirt wash down the slope and block the drain at the bottom of the garage door.
- **Pump failure:** Sump pumps (devices that pump out water) can break or lose power during a major storm.
- **Foundation cracks:** Constant water pressure against the garage walls can crack the concrete over time.

All of the above would impact on my property as the original build already has done

Building outdoor stairs that overlook a neighbour's garden requires strict adherence to local planning laws regarding privacy, boundary setbacks, and overlooking rights to prevent legal disputes or costly removal orders. [1]

Planning and Permission Rules

- **Planning Permission**: Most external staircases, raised platforms, or balconies that overlook neighbouring properties require formal planning permission from your local authority
- In regard the ones on my side they allow the overlooking of my property and only three on the other side Also the cement poured in to allow the un approved steps be put in have caused water ingress on my side Under the 1895 act it is a criminal offence to divert a stream onto someone else land

In Ireland, it is illegal to divert a stream onto someone else's land and cause damage without a formal easement or statutory authority. If water is artificially channelled where it wouldn't naturally flow, the affected landowner can seek legal remedies for trespass, negligence, or nuisance

No such planning permission was sought
The concrete shed to hold the bins no permission was sought The Maximum Dimensions: A dedicated front/rear bin store must not exceed 3.5 square metres in total area and must be 1.4 metres or less in height

The glass balustrades can cause Bird Hazards as the birds see clear glass and could fly into the glass and heat and glare Clear or tinted glass can reflect bright sunlight into a persons eyes or onto plants The thickness of the glass can be crucial since no planning permission was sought there is no mention on paper what the thickness of this glass is

The sunken patio now level with the sliding door at the back which is not what the original planning permission said are There is reference to a sunken patio well this block build it not sunken and as suck if sunken no need for steps

If a patio on a slope is not sunken (meaning you build it level or flush by raising the lower downhill side instead of cutting/excavating into the uphill slope), you change how water and soil behave around the hardscape.

Major Issues and Risks

- Water Runoff and Pooling: Without a proper cut into the slope, uphill rainwater runs straight down toward or onto the patio surface, risking puddles, slipping hazards, and structural erosion. [1, 2]
- The Need for a Uphill Retaining/Aco Drain: You must install heavy-duty channel drains (Aco drains) on the uphill side to intercept surface water before it floods across your paving stones. [1, 2]
- Downhill Blowouts and Shifting Pavers: The raised edge on the downhill side takes intense outward lateral pressure from the fill dirt, base gravel, and foot traffic. If this perimeter restraint is weak, the outer edges will slide, tilt, or blow out. [1, 2]
- Sinking and Uneven Slabs: Raising a section with loose fill dirt rather than solid, compacted earth leads to subsoil settling over time, causing pavers to wobble, dip, or sink. [1]
- Fencing and Boundary Rot: If you pile fill material or soil up against a neighbouring wooden fence or boundary wall to make the area level, moisture gets trapped against the wood, causing rapid rot and structural failure.

All of the above apply in this case

A person must get full planning permission for a satellite dish on the front of the house. You must only install one satellite dish on your house. And the distance of the house DLR planning approved and my wall it is less than 2.5m Not allowed for a timber frame house under the building regulations 2017 Bella Vista put up a starlink dish December 2025 having already had a satellite dish since May 2025 Under the Planning laws you need permission for a second dish and none has been asked for and the satellite dish right beside my house is also not allowed under the planning regulations

The new wall at the front of Bella Vista is not as per the planning application approval It is not the height stated and it has an extra side gate on it not as per the planning approval And the garage doors are not wood as per the planning submissions and approval but metal shutters the granite cladding around the garage showing where it comes from Mc Monagle Stone Donegal Lisburn Inverness not Dalkey

A grass verge outside a property wall typically belongs to the local council or forms part of the public road infrastructure, meaning a neighbour generally has no legal right to pave it or claim ownership. Paving over public or shared roadside land without authorization can constitute trespass or a breach of local authority guidelines.

In Ireland, it is illegal for a private individual to take a public footpath or public right-of-way into their own ownership. Because the public holds a permanent legal right of passage over these routes, they generally cannot be claimed via "squatter's rights" (adverse possession), and obstructing them constitutes a criminal offense

The legal position regarding public footpaths includes the following core principles:

Public Right of Passage: A public footpath is legally classed as a highway or public road. Even if the underlying land remains in private ownership, the public possesses a perpetual right to "pass and repass".

Irish Legal Guide The Statute of Limitations: In Irish law, you cannot claim "adverse possession" (squatter's rights) over property dedicated to public use. The public's right to use the path overrides any attempt by an adjacent property owner to claim or fence off the strip of land.

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Has Miles Sampson fulfilled all the EU directives in regard his residency in Spain and making application on behalf of clients in Ireland Requirements for Practicing in Ireland Irish Registration: The key requirement is to be a Registered Architect in Ireland, a title protected under the Building Control Act 2007. Registration is handled by the Royal Institute of the Architects of Ireland (RIAI), which acts as the statutory registration body.

The Timber frame Manufacturers used steel frame in the build there has to have been said in the original application it was not

Under the planning regulations no window can be within 11 meters of my boundary wall t here are windows inside of that limit which are been put up "any windows proposed at above ground level should be not less than 11 metres from the boundary they face; the roof of any such extension should not be used as a balcony or roof garden." "Detached Houses: Where the dwelling is detached and the floor area of above ground floor extension is greater than 12sqm windows shall not be less than 11m from the boundary they face"

And the Planning Inspector made reference in his decision to the 2018 application so the Planning Inspector had read the file which was then given to Mr Sampson before the planning inspector overturned his 2019 decision based on what Mr Sampson said As the Planning Inspector said there was little or no difference in the size of dimension in the structure two applications Why is Mr Sampson the only person allowed look at the planning initial decision it impacts on the parties either side

The Planning Inspector said in his report piling could cause damage to my property it has caused substantial damage And Mr Sampson did not deny his piling would cause damage to my property And Mr Sampson is currently saying he will not even look into repair the damage until he has his building up Right up against my boundary wall which is mine in its entirety along with another 4-8ft of the land of Bella Vista as per my title deeds so there is trespass on my land

Under the 2009 Land and Conveyance Act Mr Sampson and his client Ms Mc Cabe are obliged to repair the damage done to my property and to cover my professional costs as this construction was not of my doing

Also The Planning Inspector approved Mr Sampson's application for a partial basement there is now the depth of a full basement and possibly another level above that before it reaches ground level Had an Inspector from An Bord Pleanala or DLR Co Co visited the site they would see this which they are obliged to do

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Visible From Public Places If the graffiti faces a public road, street, or park, local planning laws and the Department of Housing, Local Government and Heritage treat murals and large external painted graphics differently than standard exterior painting

Under local planning regulations, painting an external wall or area visible to the public for the purpose of creating a mural or prominent street art can be considered a material change to the character of the structure.

Under Ireland's Litter Pollution Act 1997, visual amenity laws target the defacement of public spaces and private properties visible from the public realm. Rather than just penalizing, the legislation empowers local authorities to protect the visual aesthetic of the environment from graffiti, unauthorized signs, and unsightly properties

Shared boundaries: If a structure is a recognized joint boundary or party structure, altering it or adding designs/paint without mutual agreement can still trigger civil claims for trespass or property nuisance. The neighbour on the other side had to give permission as it is on that side a shared boundary or has not seen it On my side I own the boundary

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39 Coliemore Road Dalkey Co Dublin

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Yours sincerely

Aideen Doyle

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

Ms Aideen Doyle
39, Coliemore Road
Dalkey
Dublin

Receipt for Submission

Date: 04-Sep-2026

Register Ref: D26B/0466/WEB **Date Recd:** 21-Aug-2026
Development: Retention Permission of the following as-built elements: (1) Front stone boundary wall; (2) Bin storage area built under the stair/landing; (3) Part of rear garden terrace that is greater than 1m above or below adjacent ground level.

Location: Bella Vista, Coliemore Road, Dalkey, Co Dublin, A96Y339
Applicant: Chantal McCabe
App. Type: Permission for Retention

Dear Sir/Madam

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

All documents are available to view on-line.

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

Yours faithfully

Bernie Gilsenan

for SENIOR EXECUTIVE OFFICER

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

54-NBR2ack

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

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 Coimisiun 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 Coimisiun 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: D26B/0466/WEB

A Submission/Observation in writing has been received from:
Ms Aideen Doyle
39, Coliemore Road
Dalkey
Dublin

On: 04/09/2026 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
For Senior Executive Officer Date 04/09/2026

Planning Authority Stamp

04/09/2026

Comhairle Contae County Council

54-NBR2ack

Comhairle Contae County Council
Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire. A96 K6C9
Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland. A96 K6C9
T: 01 205 4700 E: info@dlrcoco.ie W: www.dlrcoco.ie

Ms Aideen Doyle
39, Coliemore Road
Dalkey
Dublin

Date: 12-Oct-2026

Register Ref: D26B/0466/WEB **Date Recd:** 21-Aug-2026
Development: Retention Permission of the following as-built elements: (1) Front stone boundary wall; (2) Bin storage area built under the stair/landing; (3) Part of rear garden terrace that is greater than 1m above or below adjacent ground level.
Location: Bella Vista, Coliemore Road, Dalkey, Co Dublin, A96Y339
Applicant: Chantal McCabe
App. Type: Permission for Retention

Dear Sir/Madam

I wish to inform you that by Order dated **12-Oct-2026** it was decided to **GRANT PERMISSION FOR RETENTION** for 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.

FIRST SCHEDULE
REASONS AND CONSIDERATIONS
Having regard to the Objective 'A' zoning of the site, and policies and objectives as set out in the 2022-2028 Dún Laoghaire-Rathdown County Development Plan, it is considered that the retention development would not detract from the amenities of the area and is consistent with the provisions of the current Development Plan, and is therefore considered to be in accordance with the proper planning and sustainable development of the area subject to conditions.

APPROPRIATE ASSESSMENT SCREENING
The proposed retention development has been screened for AA (report on file) and it has been determined that the proposed retention development would not significantly impact upon a Natura 2000 Site.

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING
Having regard to the nature and scale of the proposed retention development, which comprises front and rear curtilage wall and other elements changes onto a replacement detached dwelling, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed retention development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and as such a screening determination is not required.

SECOND SCHEDULE
CONDITIONS
1. The development in its entirety shall be retained in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. For the avoidance of doubt, this retention permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices. The retention development hereby authorised relates to the development listed as per the statutory notices only.
REASON: In the interest of clarity and to comply with permission regulations.

NOTE: The attention of the applicant is drawn to Section 34(13) of the Planning and Development Act 2000, which relates as follows- 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.

NOTE: The applicant is advised that in the event of encroachment or oversailing of the adjoining property, the consent of the adjoining property owner is required. If this written agreement is not obtained the proposed development shall be modified only insofar as is required to do this.

NOTE: Any alterations to the drainage systems within the site are a matter for compliance with the Building Regulation.

In deciding this planning application, the Planning Authority, in accordance with Section 34 (3) of the Planning & Development Act, as amended, has had regard to any submissions / observations received in accordance with the Planning & Development Regulations, 2001 – 2012 pertaining to this application.

If a decision has been made to Grant or Refuse the application, you may appeal to An Coimisiún Pleanála against the Council's decision within 4 weeks beginning on the date of the decision. An appeal made to An Coimisiún Pleanála by a third party will be invalid unless it is fully complete and accompanied by the correct fee and the Receipt of Acknowledgement issued by the Planning Authority in respect of your Submission/observation on the planning application.

All correspondence in relation to appeals should be addressed to:
The Secretary, An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1.

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**".

Yours faithfully

Mary Quinlan

for Senior Executive Officer

FIRST SCHEDULE REASONS AND CONSIDERATIONS Having regard to the Objective 'A' zoning of the site, and policies and objectives as set out in the 2022-2028 Dún Laoghaire-Rathdown County Development Plan, it is considered that the retention development would not detract from the amenities of the area and is consistent with the provisions of the current Development Plan, and is therefore considered to be in accordance with the proper planning and sustainable development of the area subject to conditions. APPROPRIATE ASSESSMENT SCREENING The proposed retention development has been screened for AA (report on file) and it has been determined that the proposed retention development would not significantly impact upon a Natura 2000 Site. ENVIRONMENTAL IMPACT ASSESSMENT SCREENING Having regard to the nature and scale of the proposed retention development, which comprises front and rear curtilage wall and other elements changes onto a replacement detached dwelling, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed retention development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and as such a screening determination is not required. SECOND SCHEDULE CONDITIONS 1. The development in its entirety shall be retained in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto. REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained. 2. For the avoidance of doubt, this retention permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices. The retention development hereby authorised relates to the development listed as per the statutory notices only. REASON: In the interest of clarity and to comply with permission regulations. NOTE: The attention of the applicant is drawn to Section 34(13) of the Planning and Development Act 2000, which relates as follows- 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'. NOTE: The applicant is advised that in the event of encroachment or oversailing of the adjoining property, the consent of the adjoining property owner is required. If this written agreement is not obtained the proposed development shall be modified only insofar as is required to do this. NOTE: Any alterations to the drainage systems within the site are a matter for compliance with the Building Regulation.

Comhairle Contae County Council

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Planning and Economic Development Department
An Roinn Pleanála agus Forbairt Eacnamaíochta
Enforcement Section
Direct Tel: 01 2054864
Fax: 01 2803122
Email: planningenforcement@dlrcoco.ie

Our Ref: ENF 18126

Date: 01-Sep-2026

Aideen Doyle
39, Coliemore Road
Dalkey
Co. Dublin

Re: Bella Vista, Coliemore Road, Dalkey, Co. Dublin

Dear Ms Doyle,

I wish to advise you that a planning application has been lodged with the Planning Authority on 21st of August 2026 with the Register Reference D26B/0466/WEB for: **Retention Permission of the following as-built elements: (1) Front stone boundary wall; (2) Bin storage area built under the stair/landing; (3) Part of rear garden terrace that is greater than 1m above or below adjacent ground level.**

This application is available to the public, Monday to Friday 10am to 4pm at the offices of the Planning Department and online at our website www.dlrcoco.ie, within 10-14 working days from date of receipt of application.

Any objection or observation on the application should be lodged with the Planning Authority within 5 weeks of the date of receipt of the application. The correct fee of €20 should accompany your objection / observation.

Yours faithfully,

Anne Lelievre
Enforcement Section
Planning Department
Tel: 205 4864

PEFC
PEFC/16-37-1056