



An  
Bord  
Pleanála

**Board Order**

**PL 06D.249014**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D17A/0441**

**Appeal** by Greencroft Construction Limited care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 10<sup>th</sup> day of July, 2017 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** Permission for residential development on an overall site of circa 0.2486 hectares at Clonbur, Torquay Road and Westminster Road, Foxrock, Dublin. The proposed development shall provide for the demolition of the existing two-storey residential dwelling on site (known as 'Clonbur') and associated outbuildings (combined demolition area circa 305.4 square metres gross floor area) and the construction of an overall residential development (circa 2,472.8 square metres total gross floor area) consisting of a terrace of eight number four bedroom townhouses (ranging in size from circa 266.3 square metres – circa 303.2 square metres) of three-four storeys in height, all with associated own door access from Torquay Road/Westminster Road, rear garages and private split level rear garden areas. The development shall also provide for vehicular access via Torquay Road and pedestrian/cyclist access via Westminster Road; 16 number car parking spaces; a bin storage collection point; boundary treatment; new public realm areas; site services and all associated site development, service connections and landscape works.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the Objective A residential zoning of the proposed development site, to the density policy provisions of RES3 and to the location of the site within the designated Foxrock Architectural Conservation Area as provided for by policy AR12 in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the Board considered that the proposed development comprising the demolition of a single dwelling called Clonbur House, which was considered not to be of architectural heritage significance in its own right, and its replacement with a terrace of eight houses provided an acceptable balance in terms of the level of density on the site relative to its siting within the Architectural Conservation Area. Furthermore, the Board considered, having regard to the visual impact assessment lodged with the application, that this prominent corner site at the crossroads within Foxrock Village was robust enough to accommodate the proposed development and therefore that the siting, height, design and scale of the proposed development was an appropriate design response in this context. The Board considered that the proposed development would not seriously injure the architectural heritage character of the Architectural Conservation Area, would not seriously injure the visual and residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that a higher density development on this site within Foxrock Architectural Conservation Area directly opposite the landmark Arts and Craft building called the Gables would not be an appropriate response to this sensitive architectural heritage environment. Furthermore, the Board considered that the site and the existing dwelling of Clonbur House, which are extensively screened by conifers from the public realm, did not currently contribute significantly to the character and setting of the Foxrock Architectural Conservation Area. The Board, therefore, considered that the proposed development would make a more positive contribution to this prominent corner site at the crossroads within Foxrock village and would not negatively affect the special character of the Architectural Conservation Area further east along Torquay Road and south along Westminster Road that is characterised by larger houses sited within large landscaped gardens with more visibility from the public realm. The Board, therefore, considered that the proposed development was in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 8<sup>th</sup> day of August, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

4.
  - (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
  - (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

5. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority.

**Reason:** In the interest of pedestrian safety.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
  - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
  - (ii) Details of screen planting which shall not include cupressocyparis x leylandii.
  - (iii) Hard landscaping works including specification of surfacing materials.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

8. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

12. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within 3 months of the date of this order and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.



**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this          day of    2018**