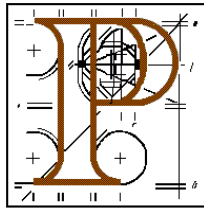


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Dun Laoghaire-Rathdown County**

**Planning Register Reference Number: D17A/0742**

An Bord Pleanála Reference Number: ABP-300121-17

**APPEAL** by Brian and Paula Harrison care of BPS Planning Consultants of 23, Saval Park Road, Dalkey, County Dublin and by Patricia and Edward Wallace of The Grange, Brighton Road, Foxrock, Dublin against the decision made on the 11<sup>th</sup> day of October, 2017 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to FWNH Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Modifications to the permitted 113-bedroom Nursing Home granted under planning register reference D15A/0807 (An Bord Pleanála reference PL 06D.246624) extending onto a larger site that incorporates part of the curtilage of the dwelling house known as Tall Trees. No additional bedroom/bed spaces are proposed. The development includes:- repositioning of the northern building wings by one metre to the north to create additional internal amenity and circulation space within the central core at ground, first and second floors; minor amendments to north-eastern wing to provide wider circulation corridors; additional floor space at basement level to accommodate water storage tank room and staff changing facilities and reconfiguration of permitted basement floor space and car park layout; amendments to floor levels and parapet level throughout building to accommodate M and E services, with associated increase in the height of the building by 300 millimetres; amendments to front entrance to provide double

height glazed entrance atrium, infill of recesses in façade at second floor and associated amendments to front elevation; new northern boundary treatment with Tall Trees, all at Four Winds and Tall Trees, Brighton Road and Claremont Road, Foxrock, Dublin.

## **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**

The proposed development is located on lands zoned 'to protect and/or improve residential amenity' and is within the Foxrock Architectural Conservation Area designated in the Dun Laoghaire-Rathdown County Development Plan 2016 to 2022. The proposed development comprises modifications to a previously permitted development comprising assisted living accommodation which is acceptable in principle under the zoning objective. Having regard to the minor nature of the proposed modifications and to the pattern of development in the area, and subject to compliance with the conditions set out below, it is considered that the proposed development would not detract from the character of the Foxrock Architectural Conservation Area, would not seriously injure the residential amenity of adjoining properties or the visual amenity of the area, would not give rise to traffic hazard and would, otherwise, be in accordance with the provisions of the current Development Plan for the area. The proposed development would, therefore, be 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, 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. The applicant shall comply with all conditions of the previous permission covering the wider development area (planning register reference D15A/0807/An Bord Pleanála reference PL 06D.246624), unless required to do so otherwise by any condition attached to this permission.

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

3. The proposed northern boundary between the subject site and 'Tall Trees' shall be located southwards by two metres for its entirety. Details of the revised boundary line, landscape drawing and details of proposed boundary fence shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. 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 prior to commencement of development or in such phased payments as the planning authority may facilitate 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, as amended, 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.

5. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate 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, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

---

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

**Dated this                      day of                      2018.**