



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0846

APPEAL by The Brighton Road Partnership care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin against the decision made on the 24th day of January, 2019 by Dún Laoghaire-Rathdown County Council to refuse permission.

Proposed Development: The proposed residential development comprises 52 number units (circa 6,900 square metres gross floor area) accommodated in 14 number houses (nine number four-bedroom, five number five-bedroom) ranging in height from two to three storeys, and 38 number apartments (nine number one-bedroom, 23 number two-bedroom, six number three-bedroom), all with external balconies or terraces, in one number apartment building of five-storeys (4th floor set back) over basement with associated vehicular access ramp, and all associated and ancillary site development, landscaping and boundary treatment works including; demolition of non-habitable outbuilding (circa 44 square metres), extinguishment of two number existing site entrances onto Brighton Road and upgrading and realignment of one number existing site entrance and laneway to serve `Craughwell` and to extend also to the proposed housing, entrance signage, 89 number ancillary car parking spaces (35 number surface spaces, 54 number basement spaces), 48 number bicycle parking spaces and two number motorcycle

parking spaces at basement level, provision of foul water pumping station and 24 hour wastewater storage tank, surface water attenuation tank and facilitation of future pedestrian access to potential future Greenway along the former Harcourt Street tramline corridor. All generally to the rear of existing individual houses ('Saint Benedicts', 'Fairholme' and 'Craughwell') to the east, and otherwise bounded by the private grounds of an existing dwelling ('Goleen') to the north, the former Harcourt Street tramline corridor and the Leopardstown Racecourse to the west and the permitted residential development scheme under construction to the south at Brighton Woods (planning register reference number D13A/0285, An Bord Pleanála appeal reference number PL 06D.243193 and planning register reference number D15A/0501 refer). The site is partially located within the Foxrock Architectural Conservation Area designated along Brighton Road.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. Having regard to the deficiencies in the existing foul sewerage system serving the site and serving the area, it is considered that the proposed development would be premature pending adequate overall resolution of the existing deficiencies in the system and would, therefore, be prejudicial to public health.

2. Having regard to its layout, design and height and its close proximity to the northern site boundary, it is considered that the proposed five-storey apartment block would be visually obtrusive, would give rise to overbearing impacts on, and would result in material overlooking of, the property to the immediate north of the site. The proposed development would be contrary to the current development plan policies for the area to preserve and improve residential amenities and would seriously injure the amenities of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the proposed removal of almost all of the trees on the subject site, including a large number of significant trees at the entrance to the site and within the Foxrock Architectural Conservation Area, it is considered that the proposed development would seriously injure the sylvan character of this section of the Foxrock Architectural Conservation Area, contrary to policy AR12, as set out in the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, which seeks the retention of features that contribute to the character of an Architectural Conservation Area and would be contrary to policy OSR7 of the Plan, which requires the preservation of groups of trees or woodlands which form a significant feature in the landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.