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**Planning and Development Acts 2000 to 2020**

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

**Planning Register Reference Number: D20A/0830**

**APPEAL** by Kevin Loughnane care of IMG Planning Limited of 75 Fitzwilliam Lane, Dublin against the decision made on the 12<sup>th</sup> day of January, 2021 by Dún Laoghaire-Rathdown County Council to refuse permission.

**Proposed Development:** (1) Demolition of 'Rusheen', the existing two-storey habitable dwelling on the site (281.6 square metres gross floor area) and ancillary garage (37.4 square metres gross floor area), (2) the construction of a 14 number unit residential development comprising three number two-storey three bedroom houses (ranging from 158.4 square metres to 162.3 square metres gross floor area) and 11 number apartments (two number one bedroom (ranging from 51 square metres to 53 square metres gross floor area), eight number two bedroom (ranging from 77 square metres to 78 square metres gross floor area) and one number three bedroom (93 square metres gross floor area) each with a terrace and balcony north and south and east facing roof terraces on second floor in a three-storey over part-basement block, (3) the construction of a new vehicular access on Westminster Road and the closing of the existing vehicular access on Westminster Road, (4) the provision of 19 number surface car parking spaces (13 number for the apartments and six number for the houses) and 14 number covered cycle parking spaces, (5) the provision of landscaped communal open space for the

apartments and (6) all other site development works required to facilitate the development including internal access roads, boundary treatments, cycle parking shelter, bin store, utility connections and hard and soft landscaping. All on a circa 0.24-hectare site at "Rusheen", Westminster Road, Foxrock, Dublin.

## **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. The proposed development would be premature pending the upgrade of the existing Irish Water foul drainage network, which is currently deficient and for which there is not defined timeframe for commencement of the necessary improvement works. The connection of the proposed development to the current foul drainage system would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of:

- (a) the replacement of "Rusheen" (original house from 1905) and its replacement with an unsympathetic apartment block of excessive bulk and mass and sited in the most visually prominent and sensitive portion of the site in terms of its contextual setting within the Architectural Conservation Area,
- (b) together with a new wider vehicular entrance and loss of trees/vegetation to the front of the proposed apartment block along Westminster Road, and
- (c) as well as the removal of Category A trees throughout the subject site,

would materially affect the character of the Foxrock Architectural Conservation Area and would, therefore, seriously injure the visual amenities of the area. The proposed development would be contrary to Objective AR12 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 which seeks to protect designated Architectural Conservation Areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



**Terry Ó Niadh**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this 9<sup>th</sup> day of June, 2021.**

