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**Planning and Development Acts 2000 to 2021**

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

**Planning Register Reference Number: D22A/0035**

**Appeal** by Kilteragh Pines Management Society Limited care of Orla O'Callaghan 14 Kilteragh Pines, Foxrock, Dublin and by Macro Properties Northwest Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 15<sup>th</sup> day of March, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission to the said Macro Properties Northwest Limited for the proposed development.

**Proposed Development:** Demolition of two number dwellings and associated sheds – Tinnahinch and Larch Grove. The development will comprise of the construction of 99 number residential units in three number blocks. A two level basement shall be provided under Blocks A and B, and a one level basement under Block C. 145 number car parking spaces shall be provided (including two number car share spaces). 216 bicycle parking spaces shall be provided. Block A shall be part five and part three number storeys in height, Block B shall be part six and part five number storeys in height. A gym and cinema for residents' use will be provided at ground floor. Block C shall be part four and part three number storeys in height. The unit mix of the development will be 29 number one bedroom units, 53 number two bedroom units and 17 number three bedroom units. Balconies and terraces shall be provided on north, south, east and west elevations of the blocks. Development will include upgrading of the existing entrance to Plunkett Avenue and provision of a

footpath on Plunkett Avenue with two number pedestrian crossings, construction of two number new vehicular entrances on Plunkett Avenue, one to serve Blocks A and B and the other to serve Block C and closure of the existing vehicular access to Larch Grove. The proposed development includes landscaping, drainage, substation and all ancillary site development works. The site access is partially located within the Foxrock Architectural Conservation Area (ACA), all on the sites of Tinnahinch and Larch Grove on Plunkett Avenue, Westminster Road, Foxrock, Dublin.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Reasons and Considerations**

1. Having regard to the policies and objectives as set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the zoning objective for the site 'to provide residential development and improve residential amenity while protecting the existing residential amenities', and in particular Objectives PHP18, PHP20 and PHP42 which require a balanced approach between the protection of existing residential amenities and the established character of the surrounding area whilst increasing housing supply through more compact growth and intensification, the Board is not satisfied that the scale, design, massing and positioning of Blocks A and B achieve that balance and integrate with the existing single and two storey dwellings in the vicinity of the site. It is considered that the proposed height, together with the setback boundaries from adjoining properties, would result in a visually dominant and overbearing form of development when viewed from Plunkett Avenue and adjoining properties and would seriously injure the visual and residential amenities of these neighbouring properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the Development Plan Objective HER13 which requires that any new development or alteration of a building within or immediately adjoining an Architectural Conservation Area (ACA) is appropriate in terms of inter alia design, scale and mass, and seeking the retention of all features that contribute to the character of an Architectural Conservation Area including soft landscaping, the Development Plan objective to protect and preserve trees and woodlands for the proposal site (Map 6 of the Development Plan), and notwithstanding the arboricultural assessment and retention/mitigation proposed by the developer, the Board considered the proposed removal of trees and hedging along Plunkett Avenue in order to accommodate a development of this scale, design and massing to be excessive and would adversely affect the sylvan character of Plunkett Avenue including as it adjoins the Architectural Conservation Area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the Board on balance considered the proposed development by reason of its overall scale, massing and height would constitute excessive development at this sensitive location adjoining the Foxrock Architectural Conservation Area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board concurred with the planning authority, that the proposed development would seriously injure the residential amenities of the area in terms of visual impact and overbearing, and considered that the loss of trees was excessive and not justified with respect to the objective of their protection and preservation. The Board noted the Inspector's proposed omission of one storey from Block B and the removal of additional car parking spaces, however, it was considered that the proposed alterations were not appropriate or sufficient to address the aspects of the proposed development that were of concern to the Board.

*Eamonn James Kelly*

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**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *17<sup>th</sup>* day of *November* 2023.