



An
Bord
Pleanála

Board Order
ABP-321151-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D24A/0614/WEB

Appeal by Nuala Hurley of 23 Avonmore, Leopardstown Road, Foxrock, Dublin and by Others against the decision made on the 3rd day of October, 2024 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Kingscroft Developments Limited care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Modifications to previously approved permission (Register Reference D18A/1112). Modifications to include the addition of eight number apartments via an additional floor inserted below penthouse level, increasing the number of floors from four to five over basement and the number of apartments from 28 to 36, comprising eight by one bed, 18 by two-bed and 10 by three-bed. The footprint of the building is unchanged and all associated signage, site works, drainage, external lighting, landscaping and ancillary site works to remain as per previously granted scheme at Funchal and Garryknock, Stillorgan 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.

Reasons and Considerations

Having regard to the grounds of appeal, the planning history, the residential use on site, the separation distance to adjacent properties and the provisions of the Dún Laoghaire-Rathdown Development Plan 2022-2028, the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024, and the Urban Development and Building Height Guidelines for Planning Authorities (2018), it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the adjoining properties of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development for 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission An Bord Pleanála appeal reference number ABP-303816-19 (Planning Register Reference Number D18A/1112) unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. This permission shall expire on the same date as the planning permission issued under the extension of duration D18A/1112/E2.

Reason: In the interest of consistency and development management.

5. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

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.



Declán Moore

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

Dated this 25th day of FEBRUARY 2025.