

An  
Coimisiún  
Pleanála

Commission Order  
ACP-323594-25

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**Planning and Development Act 2000, as amended**

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

**Planning Register Reference Number: D25A/0531/WEB**

**Appeal** by Mart Lane Property Developments Limited care of Declan Brassil and Company of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 27<sup>th</sup> day of August, 2025 by Dun Laoghaire-Rathdown County Council to refuse permission.

**Proposed Development:** Demolition of a habitable house of 204.4 square metres (known as 'the Grove'), and the construction of a new residential development consisting of 21 dwellings (seven number two-bedroom duplex units, seven number three-bedroom duplex units, one number three-bedroom semi-detached house and six number four-bedroom houses) ranging from two to three storeys in height. 26 in-curtilage car parking spaces, three number covered bicycle stands, 1,023 square metres of public open space, landscaping and boundary treatments, including tree retention, removal and new planting, water and utility services and connections, lighting, waste management, and all enabling and ancillary development and works above and below ground. Vehicular access is proposed from a new entrance onto Mart Lane. Pedestrian and cycling access is also provided from Saint Brigid's Park. The existing site boundary and pedestrian footpath along Saint Brigid's Park will be set back by two metres into the site for a distance of 52 metres to facilitate additional set down facilities along Saint Brigid's Park to be used in

connection with Saint Brigid's Boys National School, all at The Grove, Mart Lane, Foxrock, Dublin.

## **Decision**

**GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the nature, scale, layout and design of the proposed residential development, as well as the existing and permitted pattern of development in the area, including in the immediate vicinity with detached residential properties on generous plots bounded by mature landscaping and a school, St. Brigid's National School (a protected structure (RPS reference number 2063)) located to the immediate east of the site, and a detached dwellinghouse 'Suncroft' (listed on the National Inventory of Architectural Heritage (NIAH reference number 60230056)) to the west, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the policies and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Under this development plan the site is zoned "Objective A" which has a stated objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities.' Policy Objective PHP18 of the development plan seeks to encourage higher residential densities while ensuring a balance is struck between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development, and Policy Objective PHP20 seeks to protect existing residential amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

  
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In arriving at its decision, the Commission considered its earlier decision under appeal reference number ABP-320925-24 which was to refuse permission because of insufficient density proposed in that proposal and considered that the current proposal responded appropriately to the refusal reason as it had increased the density from 23 dwellings per hectare in that proposal to 34.5 dwellings per hectare in the current proposal.

The Commission noted and agreed with the Inspector's comments that the development plan recommends density for infill sites of 35 units per hectare and that Section 2.6.2.1 of the development plan acknowledges that infill and brownfield development can be more challenging to deliver. These provisions are consistent with Policy Objective 3.1 of the Compact Settlement Guidelines.

In overall conclusion, the Commission was satisfied that the proposed development provides an appropriate balance between the densification of an underutilised brownfield site in line with national and local policy and the protection of amenities of surrounding properties and the biodiversity of the area.

The Commission further noted that the proposed development will result in a loss of tress as a result of the redevelopment of the site and this is a direct consequence of the increase in density on the site in line with the requirements of local and national policy to secure compact growth and, therefore, considered the loss to be reasonable and acceptable on balance. The proposed development would not impact unduly on traffic, public health or the local environment and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission did not agree that the proposed density at 34.5 units per hectare constitutes a low density of development within this 'City - Urban neighbourhood' which would constitute unsustainable use of this accessible and fully serviced site and, as such, would contravene Policy PHP18 (Residential Density) and Section 12.3.3.2 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). The Commission considered the specific site context, an infill brownfield site, and the resultant densification from one house on site to a delivery of 21 houses. While acknowledging that the Compact Settlement Guidelines sets out that a density of 50 dph to 250 dph shall generally be applied in urban neighbourhoods of Dublin (and Cork), Section 3.3.6 of the guidelines also state that 'in the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.' The Commission was satisfied that, in the particular circumstances of the site context, size and constraints, the proposed development would provide an appropriate balance between the densification of an underutilised brownfield site in line with national and local policy and the protection of amenities of surrounding properties and the biodiversity of the area.

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## Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate standard of development.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.



4. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

5. Proposals for an estate/street name, residential unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and residential unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

6. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interest of amenity and public safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

8. The developer shall engage the services of a qualified arborist as an arboricultural consultant for the relevant period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant prior to commencement of development. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees.

**Reason:** To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

9. The areas of public open space shown on the submitted plans shall be reserved for such use. These areas shall be levelled, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority with the planning application. This work shall be completed before any of the residential units are made available for occupation, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs, pedestrian crossings and the underground car parks, shall comply with the detailed construction standards of the planning authority for such works and design standards as outlined in the Design Manual for Urban Roads and Streets (DMURS).

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

11. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the proposed development shall be provided with electrical connections to allow for the provision of future charging points and, in the case of 20% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

12. Safe and secure bicycle parking spaces, including the provision for in-situ charging of electric bikes, shall be provided within the site in accordance with the requirements of the planning authority.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.



13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

14. A plan containing details for the management of waste within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, within each residential unit plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

15. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

16. (a) Prior to commencement of the development, as permitted, the developer or any person with an interest in the land, shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified residential unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the developer or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer, or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified residential unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

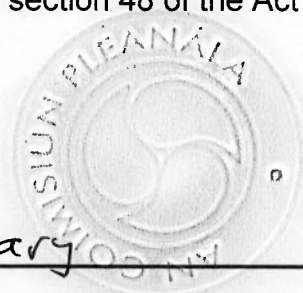
17. The management and maintenance of the proposed development, including all common and landscaped areas and boundary treatment, where appropriate, following its completion, shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development or parts of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of the development.

18. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

**Reason:** To ensure the satisfactory completion of the development.

19. 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 Coimisiún 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.



*Patricia Calleary*

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Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 4<sup>th</sup> day of December 2025.

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