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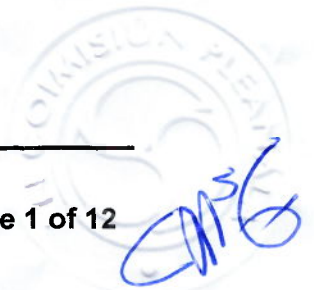
**Planning and Development Acts 2000, as amended**

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

**Planning Register Reference Number: D25A/0841/WEB**

**APPEAL** by The O'Leary Family Partnership against the decision made on the 7<sup>th</sup> day of January, 2026 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** Planning permission for development within the grounds of Carrigmore, Golf Lane, Torquay Road, Foxrock, Dublin 18. It is also within the Foxrock Architectural Conservation Area. The development will consist of the construction of three number detached two and a half storey dwellings and one number two storey dwelling all accessed from the existing entrance on Golf Lane via a new shared driveway serving the new houses and the existing house Carrigmore. The development will include all ancillary site development works, boundary treatments, service connections and landscaping works within the grounds of Carrigmore, Golf Lane, Torquay Road , Foxrock, Dublin.



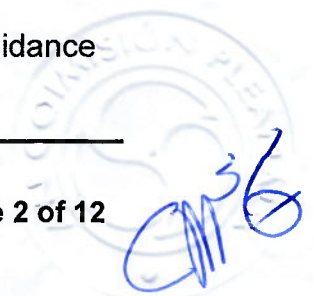
## Decision

**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 nature, scale and layout of the proposed residential development including the associated provision of open space at the junction of Golf Lane and Torquay Road, to the site characteristics, including the level of tree cover on site, to the pattern of development in the area, and to the relevant provisions of the development plan, including the residential zoning objective and to the location of the site within the Foxrock Architectural Conservation Area (ACA) which notes that a significant aspect of the ACA's character is informed by the setting of buildings within sites and the surrounding landscaping, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with the relevant provisions of the Dún Laoghaire-Rathdown Development Plan 2022-2028 including the residential zoning objective pertaining to the site and the architectural conservation area designation, would not adversely affect the character of protected structures in the vicinity of the site and would be acceptable in terms of design, pedestrian and traffic safety, landscape protection and residential and visual amenity and constitute an appropriate form of new housing delivery on this infill site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the recommendation of the Inspector to refuse permission, (inadequate housing density), the Commission considered the totality of the documentation on file. The Commission noted and acknowledged the policy support at development plan and national guidance



level, to increase residential housing supply and encourage higher residential densities. These principles are embedded in development plan policy objective PHP18, referenced by the Inspector in his recommended reason for refusal. Equally the Commission noted section 4.3.1 of the development plan which notes that in some circumstances higher density development may be constrained by Architectural Conservation Areas. In this overall policy context and on the specific facts of the case, and noting constraints at the site itself, including the sylvan character, in particular with significant tree cover on the boundaries of Torquay Road and Golf Lane, and also proximity to adjoining residential properties including a protected structure, the Commission determined that the proposed development would be in accordance with the principles of PHP18 insofar as it would deliver an additional four dwellings on site, whilst ensuring a balance at this specific location between the protection of existing residential amenity and the character of the surrounding area (noting that the landscape character of the area is a central component of the Architectural Conservation Area designation). In forming this view, the Commission noted recent precedent in the immediate environs including planning authority register reference D22A/0555, wherein permission was granted for a scheme with a density of some 13 units per hectare equivalent. In that instance the planning authority determined that the proposed density was acceptable. The Commission also noted and agreed with the opinion of the Inspector that both the revised layout presented at appeal stage and an indicative redesign suggested by the Parks and Landscape Services Department of the planning authority (which would not have added any further dwellings to the site but suggested an alternative way to retain as many trees as possible), would be successful in protecting the sylvan character of the overall site. In effect, this opinion establishes the likely capable net footprint area for future dwellings on site. The Inspector then suggested that, having regard to minimum requirements for private open space, minimum floor areas and maximum parking provision, there would appear to be considerable opportunity to increase the compactness and thus it is presumed the density of development on site. However, the Commission did not share this view, noting the potential for associated challenges relating



to impact on adjoining properties, loss of landscaping and thus potential diminution in quality for additional units, should the net realistic footprint area for housing become open to reconsideration. The Commission considered that even in such a design scenario, the additional number of dwellings potentially achievable would be modest in absolute terms.

In overview the Commission considered that the proposed development, subject to compliance with the conditions, would be appropriate at this location providing an increase in the supply of housing along with high quality public amenity space and protection of the broader sylvan character of the site having specific regard to the site constraints and to the objectives of the development plan including the clear focus on the protection of the landscape character of this area within the designated Architectural Conservation Area.

## Conditions

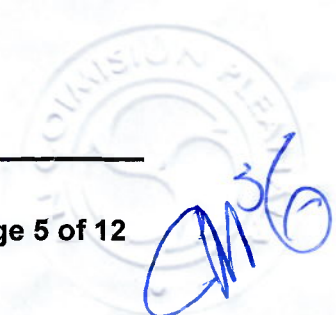
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Coimisiún Pleanála on the 3<sup>rd</sup> day of February 2026, except as may otherwise be required in order to 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. The scheme shall be amended as follows:
- (a) Parking shall be confined to two spaces per dwelling (8 in total) as shown on Proposed Site Plan, Rev 7 as received by the Commission on the 3<sup>rd</sup> day of February 2026.
  - (b) The internal access alignment and carriageway shall be as indicated on the drawings as received by the Commission on the 3<sup>rd</sup> day of February 2026.
  - (c) The finished floor level of house numbers 2 to 4 shall be 76.40 metres AOD,
  - (d) The ridge height of house type B shall be reduced to 8.99 metres above adjacent ground level;
  - (e) The rear gardens of house numbers 2 to 4 shall be set back by approximately 2 metres from the existing site boundary with Torquay Road. The two metre strip between the gardens of house numbers 2 and 4 and Torquay Road shall form part of the overall public amenity space to be held in the ownership and control of a constituted management company.

Plans and particulars detailing these amendments, shall be submitted to the planning authority prior to commencement of development and shall be placed on the planning authority file.

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



3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than [1:500] showing
    - (i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping.
    - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
    - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
    - (iv) Details of screen planting.
    - (v) Details of roadside/street planting.
    - (vi) Hard landscaping works, specifying surfacing materials and finished levels.
  - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
  - (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

4. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

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

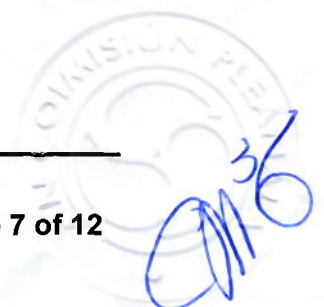
**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

6. All parking spaces serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. 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 the 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.

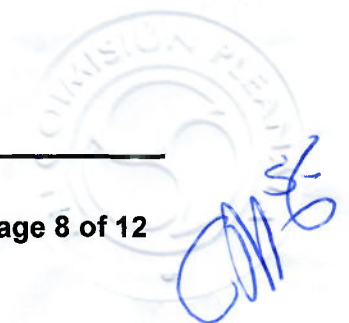


8. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including, noise and dust management measures and off-site disposal of construction/demolition waste.

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

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.



10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 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 approval has been received from the planning authority.

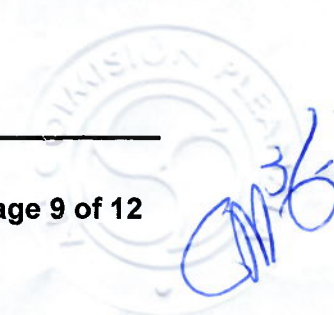
**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. 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 interests of visual and residential amenity.

12. Proposals for the naming and numbering of the scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and house 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.



13. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

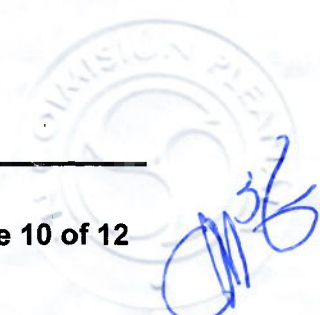
**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

14. The communal open spaces including the two metre strip between the gardens of house numbers 2 and 4 and Torquay Road and all areas not intended to be taken in charge by the planning authority, shall be maintained by the legally constituted management company. Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** In the interest of orderly development and to provide for the satisfactory future maintenance of the development.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

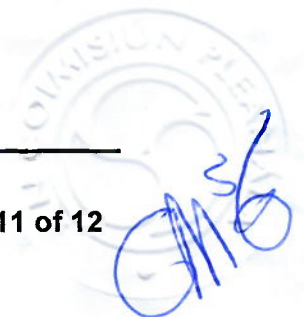


16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 Coimisiún Pleanála for determination.

**Reason:** To ensure satisfactory reinstatement of the site.

17. 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.



18. The developer shall pay to the planning authority a financial contribution a financial contribution in respect of Luas Line B from Sandyford Depot to Cherrywood, namely Luas Line B1 in accordance with the terms of the Supplementary Development Construction Scheme made by the Planning Authority under section 49 of the Planning and Development Act 2000. The amount of the contribution 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 for determination. 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.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

**Chris McGarry**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**



Dated this 4<sup>th</sup> day of June 2026