

An
Coimisiún
Pleanála

Commission Order
PL-501106-DR-26

Planning and Development Acts 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D26A/0012/WEB

APPEAL by Helnwin Limited against the decision made on the 9th day of March, 2026 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing residential dwelling, Ashley, and replacing it with 10 number three-storey detached houses comprising two number four bedroom houses and eight number three bedroom houses; removal of two existing vehicular access points to Hainault Road and provision of a new vehicular access and shared space to dwellings; all ancillary development including private open spaces; associated car and cycle parking; boundary treatment; landscaping; and all associated infrastructural works at Ashley, Hainault Road, Foxrock, Dublin.

Decision

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

Reasons and Considerations

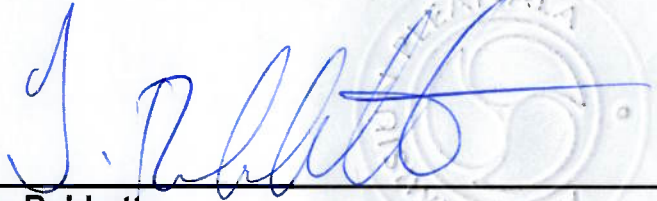
Having regard to the layout of the proposed scheme and the surface water drainage proposals to pump surface water from the site, the Commission is not satisfied, on the basis of the information lodged with the planning application and in the grounds of appeal, that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands. The Commission is not satisfied that the pumping of surface water from the proposed development has been justified nor, in the event that pumping is required, that the criteria set out in 'Pumping of Surface Water' at section 7.1.1 of Appendix 7 of the Dun Laoghaire Rathdown County Development Plan 2022-2028, can be met without significant changes to the site layout. In the circumstances, the Commission was not satisfied that the proposed development would not be prejudicial to public health.

In deciding not to accept the Inspector's recommended refusal reason number 1, the Commission did not share the concerns of the Inspector in relation to density. In that regard, the Commission noted that the proposed density is at the lowest level of the recommended density range for such sites, as indicated in the 'Sustainable Residential Development and Compact Settlement Guidelines', and only marginally above the minimum default density for such sites as indicated in the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The Commission did not consider the density proposed to be excessive. Likewise, the Commission did not consider the proposed heights at 2-3 storeys to be excessive. The Commission was satisfied that the proposed heights reflect the prevailing heights in the surrounding area. The heights proposed do not conflict with the building height Policy Objectives or the Building Height Strategy of the Development Plan for the area. Indeed, the Commission noted that local Policy Objective BHS 3, relating to building height for such sites as contained within the Development Plan, and national guidance on building height, at section 1.9 of the 'Urban Development and

Building Heights Guidelines for Planning Authorities, both indicate that at least three to four storeys should be promoted for such sites. The heights proposed just meet the minimum requirements of both local and national planning policy/guidance. Given the separation distances proposed between the proposed dwellings and the shared site boundaries with adjoining properties and also noting that the taller three storeys elements are located towards the centre of the site and away from the boundaries, the Commission did not consider that the proposal would be overbearing when viewed from the adjacent properties, and, in any event, the Commission noted that there are no protected views from adjacent properties towards the site. The internal layout of the proposed dwellings, which deliberately designed out potential overlooking of neighbouring properties, and the overall site layout strategy, demonstrate that due regard was had to the receiving environment, and the Commission was satisfied that the development potential of adjacent properties is not compromised by the proposal.

In deciding not to accept the Inspector's recommended refusal reason number 2, the Commission noted that there are no site-specific objectives in Dún Laoghaire-Rathdown County Development Plan 2022-2028 to retain trees on the application site, nor are there such site-specific objectives relating to the trees on adjacent lands in the immediate vicinity of the site boundaries, nor, it appears, are there any Tree Preservation Orders pertaining to the trees on the site or trees immediately adjacent the shared boundaries. The Commission further noted that documentation on file indicated that the vast majority of the trees in this suburban garden site (48 of the 50) are either of 'low quality' or 'very low/dead quality', with only two of 'moderate quality'. The Commission further noted that there was no evidence on file that neighbouring trees would be adversely impacted. In the circumstances, the Commission considered refusal of permission on the grounds of loss of trees on the site to be unwarranted. The Commission did share some of the concerns regarding the extent of the loss of trees on the site, notwithstanding their low quality, and considered that this could be dealt with by way of condition or revisited in any subsequent application. In that regard, it was noted that the planning authority did not refuse permission on the grounds of loss of trees.

In deciding not to accept the Inspector's recommended refusal reason number 3, the Commission noted that the Transportation Planning Report of the planning authority did not recommend that permission be refused on traffic grounds but rather that further information be sought; the planning authority did not refuse permission on the grounds of traffic hazard. The Commission did not consider that the proposed development posed an unacceptable risk to pedestrian and vehicular safety. In the circumstances, the Commission considered that a refusal on the basis of traffic hazard was not warranted.



Tom Rabbette

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 4th day of August 2026