



An
Bord
Pleanála

Inspector's Report ABP-312441-22

Development

Development consisting of: 1) demolition of the two storey extension to 'Rusheen', the habitable dwelling on the site (224 sq. m. GFA), and the ancillary single storey garage (37.4 sq.m. GFA); 2) construction of a three storey, five bedroom house (521 sq.m), with a single storey link to connect 'Rusheen' to the house, and a single storey detached double garage (36 sq.m GFA); and 3) all other site works.

Location

'Rusheen', Westminster Road,
Foxrock, Dublin 18.

Planning Authority

Dun Laoghaire-Rathdown County
Council

Planning Authority Reg. Ref.

D21A/0908

Applicant(s)

Kevin Loughnane

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal First Party vs. Refusal

Observers None

Date of Site Inspection 15th June 2022

Inspector Stephen Ward

1.0 Site Location and Description

- 1.1. The subject site is located on the southern side of Westminster Road, which is located to the eastern side of Foxrock village and connects with the N11 National Primary Road to the northeast. It comprises a large site with a stated area of 0.242 hectares containing a large, detached house known as 'Rusheen'. The house consists of an original gate lodge (dating from 1905, part of the Kilteragh Estate) which was extended significantly in the early 1980s. This section of Westminster Road is generally characterised by detached houses of varying design / character located on generous sites with extensive tree coverage.
- 1.2. There are two main sections to the site. The existing house, its gardens, and a detached garage are located to the front (northern) section. To the rear (south) is a tennis court on an east-west axis. A small shed and water tanks are located along the western site boundary. The site is generally flat and is well screened with extensive hedging and trees along the site boundaries and to the front of the existing dwelling.

2.0 Proposed Development

- 2.1. In summary, the proposed development consists of the following:
 - demolition of the two-storey extension to 'Rusheen' (224 sq. m. GFA), and the ancillary single storey garage (37.4 sq.m. GFA)
 - construction of a three storey, five-bedroom house (521 sq.m), with a single storey link to connect 'Rusheen' to the house, and a single storey detached double garage (36 sq.m GFA)
 - all other site works including internal driveways and hard and soft landscaping.
- 2.2. Water supply would be via the existing public mains, and it is proposed to discharge foul and surface water to the public sewer. The application is supported by a Design Statement, Engineering Services Report, Site Specific Flood Risk Assessment, and Outline Construction and Demolition Waste Management Plan.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated 9th December 2021, the Planning Authority decided to refuse permission for the development for the following reason:

'The proposed development by virtue of the proposed scale, excessive roofscape, height and massing of the new dwelling / extension, would be visually dominant and overbearing on the site in the context of the scale of the former gate lodge dwelling 'Rusheen' and in the context of the Foxrock ACA where it is policy (Section 6.1.4.1, AR12, Dun Laoghaire Rathdown County Development Plan 2016-2022) to protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA) and to ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area. The proposed development fails to enhance the architectural character and visual interest of the Foxrock ACA and would be incongruous in the streetscape of Westminster Road which forms a significant part of the character of Foxrock ACA. The proposed development would result in significant negative effects on the special character of the Foxrock Architectural Conservation Area contrary to Development Plan policy AR12 of the County Development Plan 2016-2022'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission. It does not outline any fundamental objection to the principle of the development. However, it raises concerns in relation to the scale and design of the proposal, which would dominate the existing dwelling known as 'Rusheen'. It would fail to integrate with its context and would have an overbearing visual impact on the Foxrock ACA, as is outlined by the Conservation Officer. A refusal is recommended, and this forms the basis for the DLRCC decision.

3.2.2. Other Technical Reports

Conservation Officer: Highlights concerns about the height, scale, massing and roofscape, and the overpowering impact of the proposal on the existing dwelling. Refusal recommended as the proposed development does not enhance the distinctive character of the ACA and would result in a significant negative impact on its architectural integrity, setting, and character.

Drainage Planning: No objections subject to conditions.

3.2.3. Prescribed Bodies Reports

An Taisce: No objections subject to assessment by the planning authority.

3.2.4. Objections/ observations

None.

4.0 Planning History

ABP Ref. 309383-21: Permission refused (June 2021) for the demolition of 'Rusheen' a detached house and the construction of 14 residential units in the form of three houses and eleven apartments. The reasons for refusal were as follows:

- 1. The proposed development would be premature pending the upgrade of the existing Irish Water foul drainage network, which is currently deficient and for which there is no defined timeframe for the commencement of the necessary improvement works. The connection of the proposed development to the current foul drainage system would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.*

2. *The proposed development, by reason of:*

- a) *the demolition of 'Rusheen' (original house from 1905) and its replacement with an unsympathetic apartment block of excessive bulk and mass and sited in the most visually prominent and sensitive portion of the site in terms of its contextual setting within the Architectural Conservation Area,*
- b) *together with a new wider vehicular entrance and loss of trees/ vegetation to the front of the proposed apartment block along Westminster Road, and*
- c) *as well as the removal of Category A trees throughout the subject site,*

would materially affect the character of the Foxrock Architectural Conservation Area and would, therefore, seriously injure the visual amenities of the area. The proposed development would be contrary to Objective AR12 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 which seeks to protect designated Architectural Conservation Areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Adjacent sites:

ABP Ref. 313325-22: Current appeal against the decision of DLRCC to refuse permission for proposed demolition of existing detached 2-storey dwelling and re-build with new replacement 2-storey, 5-bed dwelling to include 2 No. dormer windows to the front and rear elevations, increased eaves and ridge heights and with associated site works. The site refers to Hainault Lodge, Hainault Road, adjoining the southern corner of the appeal site.

P.A. Ref. D21A/0864 refers to a decision (November 2021) to refuse permission on the opposite side of the road at 'Mangerton' for the demolition of the existing single storey extension to the side gable of the main house and replacement with a single storey pitched roof extension, removal of a pergola structure at the front entrance door on the south east elevation, relocation of a velux rooflight over rear landing on north east elevation, internal alterations to ground and first floor levels,

to include new bathroom and bedroom floor, layouts at first floor level. All associated external services and landscaping works.

P.A. Ref. D20A/0149 refers to a July 2020 decision to grant permission for a new single storey entrance porch to side and new single storey dining room extension to side and rear of 'Voewood', Hainault Road, Foxrock; new glazed roof lights to existing roof; revisions to window opening to provide new corner window to rear and side elevation at ground floor level to family room; existing boiler room to rear to be re-roofed and extended. At first floor level revision to existing window openings to master ensuite and new landing; new window to master ensuite on side elevation. Existing garage to be extended and modified to provide games room with wc and garden store, comprising part altered roof with raised ridge height to front and new window to rear; revisions to existing entrance gate comprising setback of gates with new gate piers along with ancillary site works. 'Voewood' is located to the south/ south west of the subject site.

P.A. Ref. D14A/0636 refers to a February 2015 decision to grant permission for the construction of a proposed 1 no. two storey, part single storey detached dwelling, provision of new vehicular entrance onto Westminster Road with associated set back piers and gates, new connections to all services, including public foul and surface water drainage pipes and associated site works, at a site fronting onto Westminster Road, adjacent to Rusheen, and formerly part of the garden of the house on the western boundary of the site.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Although the DLRCC decision was made on the basis of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, that plan has since been replaced by new Dun Laoghaire-Rathdown County Development Plan 2022-2028, which came into effect on 21st April 2022 and is now the operational plan for the purposes of the Board decision.

- 5.1.2. The site is zoned as 'Objective A', which is '*To provide residential development and improve residential amenity while protecting the existing residential amenities*'. Table 13.1.2 confirms that residential uses are 'permitted in principle' in this zone.
- 5.1.3. Section 4.3 of the Plan acknowledges the desire of many residents to improve and adapt existing homes, which will be facilitated by suitably designed domestic extensions. Retention and deep retrofit (rather than demolition and replacement) is encouraged in cases of structurally sound, habitable dwellings, or dwellings which contribute to the amenity/character of the area. Policy PHP19 aims to conserve and improve existing housing stock through supporting improvements and adaption.
- 5.1.4. The site is located within the Foxrock Architectural Conservation Area (ACA). Chapter 11 of the Development Plan deals with Heritage and Conservation. In summary, the following objectives are relevant:

HER13: Architectural Conservation Areas

It is A Policy Objective to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.
- iv. Seek a high quality, sensitive design for any new development(s) that are complimentary and/ or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.
- v. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.

- vi. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture’.

HER14: Demolition within an ACA

It is Council policy to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA.

- 5.1.5. Chapter 12 of the Development Plan deals with Development Management. Section 12.3 outlines guidance on criteria for residential developments and aims for high quality design to improve the living environment for residents. Section 12.3.7.1 outlines the criteria for the consideration of extensions to dwellings, while section 12.3.7.3 deals with ‘family member/granny’ flat extensions. Section 12.3.7.7 deals with ‘infill’ development, which shall respect the height and massing of existing residential units.
- 5.1.6. Sections 12.11.3 and 12.11.4 set out guiding principles for development within ACAs to ensure that it is sympathetic to its distinctive character. It highlights the need for a sensitive approach to respect the established character and urban morphology and is supportive of contemporary design that is complementary to surrounding context and scale. Criteria is outlined to guide all applications for development.
- 5.1.7. Map 6 includes a mapped objective on the site to ‘*Protect and preserve Trees and Woodlands*’. The map also indicates that the original house on the adjoining site to the west ‘Primrose Cottage’ is included as a Protected Structure on the RPS.

5.2. National Policy

The Architectural Heritage Protection - Guidelines for Planning Authorities (2011, DoAHG) provides guidance to planning authorities in assessing applications involving Protected Structures and Architectural Conservation Areas. Section 7.3 outlines the conservation principles for examining proposals.

5.3. Environmental Impact Assessment – Screening

Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location,

there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

5.4. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has engaged the services of IMG Planning to appeal the decision of Dun Laoghaire-Rathdown County Council to refuse permission. The grounds of appeal can be summarised as follows:

- The proposed development will not adversely impact on the character of the ACA. Notwithstanding this, an amended proposal is submitted with the appeal for the consideration of the Board.
- The design approach aims to retain 'Rusheen' and existing trees, while sensitively creating a generous, linked 5-bedroom house.
- The proposed gable front design and the pitch and materials of the proposed roof design are reflective of 'Rusheen' and other development at this location.
- The proposed 'L-shaped' plan form and contemporary detailing/geometry maintains a separation from 'Rusheen' in line with good conservation practice. It takes account of the context, without imitating previous styles.
- The proposed height is in accordance with Policy UD 6 and section 4.8 (Appendix 9) of the Development Plan. Given the retention of trees, siting, and setback of highest points, the upward modifier (section 4.8.1 (d)) applies due to the limited impact of the building on its surroundings, as demonstrated in the shadow study and visual impact study.

- The finishes, colours and detailing harmonise with Rusheen and the ACA, and the landscape design is based on preserving and enhancing the existing sylvan nature of the site.
- The Conservations Officer's report places undue weight on the objective to 'conserve' rather than considering the potential of the development to enhance the character of the area.
- The design has been informed by the scale, massing, character and pattern of development in the area. The effect is to push the building back further allowing for greater screening and a reduction in apparent massing.
- The height and massing of the roof is broken up / reduced in the amended proposal through a range of measures, resulting in a maximum height which does not exceed that of the existing lodge. This addresses the concerns of the planning authority.
- The appeal is accompanied by an 'Architectural Planning Appeal Document' by NODE Architects which outlines the design approach and impact of the development in detail. It includes a 'Visual Impact Assessment' and an 'Architectural Heritage Impact Assessment' which concludes that the proposal will not adversely affect the character or integrity of Rusheen or adjacent structures.

6.2. **Planning Authority Response**

The Planning Authority refers to the previous Planner's Report and contends that the appeal does not raise any grounds to justify a change of attitude towards the proposed development.

6.3. **Observations**

None.

7.0 Assessment

7.1. Introduction

- 7.1.1. I have inspected the site and examined the application details and all other documentation on file, including the grounds of appeal and the accompanying amended proposal. The submission of a revised proposal is not an uncommon practice with appeals. It reduces the overall scale of the project, and I am satisfied that it does not introduce any new issues for third parties. The planning authority has been given the opportunity to comment and I am satisfied that the amended proposal can be considered by the Board.
- 7.1.2. The proposal effectively involves the replacement of an existing extension to the former gate lodge building. And while the new works effectively involve the construction of a new dwelling, I am satisfied that it will remain internally connected to the guest accommodation in the gate lodge and will function as one single residential unit. This would be consistent with the existing use on site and the Development Plan zoning objective 'A'. Accordingly, I have no objection to the principle of the proposed development. Having considered the relevant local and national policies, I consider that, consistent with the planning authority assessment and decision, the main issue in this case relates to the scale and design of the proposed development and its impact on both the original gate lodge building and the wider Foxrock ACA.

7.2. Built Heritage and Visual Amenity

- 7.2.1. Apart from Primrose Cottage, which is separated from the appeal site by a newly constructed dwelling to the west, I note that the appeal site and neighbouring sites do not contain any Protected Structures. Neither is 'Rusheen' or the surrounding buildings included within the National Inventory of Architectural Heritage, apart from 'Mangerton' on the opposite (north) side of Westminster Road.
- 7.2.2. However, the appeal site and adjoining properties are located within the Foxrock ACA. In summary, the Character Appraisal for this ACA describes the overall visual character as 'sylvan'. It identifies architectural details and local characteristics and outlines the implications for development proposals. It recognises Westminster Road as a distinctive sub-area with:

- a dense tree canopy and soft roadside edge, which provides a pleasant rural character
- more varied plot widths, sizes, and building lines than elsewhere in the ACA
- two distinct periods / styles of building ('mid-Victorian' and 'Arts & Crafts and Queen Anne')
- Sensitively designed modern dwellings
- Predominantly infill development on the southern side of the road.

7.2.3. With regard to the built heritage value of 'Rusheen', I have considered the applicant's Architectural Heritage Impact Assessment. I have also considered the reports of the planning authority in respect of both this and the previous application on site, and the decision of the Board on the previous application. I note its historical significance and, having inspected the site, I would concur that it adds to the character of the ACA. The proposal to retain the original gate lodge building is therefore welcomed.

7.2.4. As previously outlined, the site is densely screened by existing trees and hedges, particularly to the north, south, and east of the site. This means that the lodge is only really visible from directly in front of the site entrance, at which point the modern extension is largely screened. Similarly, while the modern extension is visible on the western approach to the site, the lodge is well screened from this viewpoint. The result is that, as viewed from the public realm, the lodge retains much of its original character and integrity. The modern extension does not contribute to the character of the area in any significant way, and I have no objection to its demolition.

7.2.5. Consistent with the Character Appraisal for this ACA, the value of the area is much more than just its built heritage. The significant tree cover gives the area its rural, sylvan character and this is strongly evident on the appeal site. Again, the design approach is cognisant of the importance of retaining these trees. An Arboricultural Assessment has been included and it is proposed to retain the vast majority of existing trees. Good coverage will be retained to the front and side (east) of the site, which is consistent with the Development Plan objective for the site as per Map 6. The existing front boundary and entrance arrangements will be retained, which is important as the entrance clearing aligns centrally with the front of the lodge, giving the building its prominence.

- 7.2.6. Having regard to the above, I consider that the proposed development would retain the important elements which contribute to the character and special interest of the ACA, i.e. the lodge building, the trees, and the roadside boundary arrangements. The key issue remains to be the question of the design and scale of the new development.
- 7.2.7. I note the concerns raised by the planning about the proposed height, scale, massing and roofscape, and the overpowering impact of the proposal on the lodge building. In the wider context, the planning authority also concluded that the proposed development fails to enhance the distinctive character of the ACA and would result in significant negative impacts on its special character.
- 7.2.8. In terms of architectural style, I note that the Character Appraisal for the ACA acknowledges the varying styles in the area, including more modern approaches. This would be consistent with my site visit when I noted a wide range of architectural styles and periods. Notably, a 2-storey of dwelling of modern design has been recently completed on the immediately adjoining site to the west. Indeed, the varying styles are evident on the site itself through the modern extension to the original lodge building. However, the extension was built in an 'Arts and Crafts' style similar to the lodge and I would agree that it is a pastiche approach which blurs the distinction between old and new. Although there is limited intervisibility between both elements, where visible I consider that the existing extension does not respect the integrity of the original lodge. In my opinion, its removal and replacement with a more distinctive contemporary design would be appropriate in accordance with local and national policy / guidelines.
- 7.2.9. The proposed plan form provides for improved separation between the old and new. The proposed front building line will be setback behind the lodge building and only a single storey glazed link will connect the lodge with the new development. The proposed materials also provide an improved level of distinction, while being sympathetic to the existing lodge. They include a mix of render, granite cills, local brick, and natural slate to harmonise with the character of the area, together with modern features such as zinc, glazing, and aluminium fenestration to provide contemporary detailing.

- 7.2.10. The form of the proposed development is largely characterised as an 'L-shaped' wraparound to the side (west) and rear of the existing lodge. Pitched roofs rise away from the lodge in an attempt to protect its status with appropriate separation. The roof pitches use a similar angle to the lodge roof in an effort to harmonise with its form. A gable fronted feature is also included in an attempt to reflect the character of other properties in the area.
- 7.2.11. Having regard to the varying styles in the area, not least the inappropriate design of the existing extension, and the extensive screening that exists around the site, I would have no objection to the principles of the adopted design approach. I feel that the key issue relates to the overall height and scale of the new development, which has also been reflected in the reports and decision of the planning authority.
- 7.2.12. In this regard, I would concur with the planning authority's concerns about the excessive height, scale, and massing of the original proposal. Although the site has limited visibility, I would agree that the significant height of the proposed development to the side and rear of the lodge would result in an excessive roofscape which would be apparent in localised views from the front of the site. It would have a dominating impact which would detract from the status of the lodge building and its contribution to the ACA.
- 7.2.13. However, I consider that the amended proposal submitted with the appeal does significantly reduce the overall height, scale, and massing of the proposed development. The ridge height to the rear of the lodge would be reduced by almost 2 metres, while the height of the gable-fronted section to the side would be reduced by just over 1 metre. With this revised design, I am satisfied that the impact of the setback element to the rear would be significantly reduced and that the lodge would retain its prominent status at the front of the site. The gable-fronted feature to the side would still be higher than the lodge building but it would be satisfactorily screened by the retained trees at the front of the site. As is the case with the current modern extension, the proposed development would be visible from the western approach. However, it would be largely screened by the recently constructed dwelling to the west, and it would not be viewed in the context of the lodge building which would be screened by tree cover.

7.2.14. In the wider context of the ACA, I consider that the proposed development would retain and enhance the elements which contribute to the character and special interest of the area. The retention of trees and hedges would protect the sylvan appearance of the area. The original lodge building would be given improved definition through its separation from modern development and the retention of its prominent, central position at the front of the site. And while the proposed new development would be larger in scale, I am satisfied that the amended design proposal is appropriate to the character of the area. Accordingly, I have no objection to the amended proposal on grounds of visual amenity or its impact on the ACA.

7.3. Other Issues

Residential Amenity

7.3.1. Clearly the proposed development involves a substantial dwelling on a large site and there are, therefore, no concerns in relation to the level of residential amenity for the prospective occupants.

7.3.2. In terms of impacts on the residential amenity of surrounding properties, I note that the proposed development retains generous separation and dense screening between the adjoining properties to the north, east and south. Therefore, no overlooking or privacy impacts arise in these directions. I note the proximity of the development to the western boundary and that the western elevation includes upper floor windows serving a laundry and 2 no. en-suite bathrooms (shown on floor plan only). Given the nature of these rooms, I am satisfied that obscured glazing can be used. There are also upper floor projecting windows and a balcony on the gable-fronted façade (serving bedroom no. 2 and gym). These features mainly provide views over the public road to the north and having reviewed the arrangement of the property to the west I am satisfied that no overlooking of windows or private amenity space would occur.

7.3.3. In relation to potential daylight and sunlight impacts, I would again highlight the generous separation and dense screening between the adjoining properties to the north, east and south, which negates any potential for significant impacts. The property to the west has been constructed in close proximity to the dividing boundary fence which already effectively blocks daylight to any ground floor windows on the east elevation. Having reviewed the permitted plans for the property, I note that the

main kitchen / living / dining area benefits from extensive south-facing glazing which will ensure that daylight and sunlight levels would not be reduced to unacceptable levels as a result of the proposed development. At first floor level, the dwelling to the west does not contain any habitable windows directly facing the proposed development. The rear garden space of the property also benefits from a south-facing aspect. The application includes a shadow study which indicates that more than half this garden area would receive sunshine between the hours of 1200 and 1500 in March. This would be acceptable in accordance with the guidance in 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011)', which recommends that at least 50% such spaces should receive at least 2 hours of sunshine on the 21st March.

- 7.3.4. Having regard to the above, I am satisfied that the proposed development would not have any unacceptable impacts on the residential amenity of adjoining properties by reason of overlooking, overshadowing, or otherwise.

Traffic

- 7.3.5. I note that concerns were raised about the relocation of the entrance to the site in the previous application. However, the current application does not propose to alter the existing entrance or the roadside boundary, which are important elements and contribute to the character of the area. The proposed development will remain as one single residential unit and there is, therefore, no basis to indicate that traffic movements will be significantly affected. Accordingly, I do not consider that there will be any significant traffic implications and I have no objections in this regard.

Water Supply and Drainage

- 7.3.6. It is proposed to connect to the existing water supply on Westminster Road and wastewater will be diverted to the combined sewer on Westminster Road. There is an existing 600mm surface water culvert traversing the site which runs eastward to the St Bride's Stream. The proposed surface water management and disposal proposals have been designed in accordance with the Greater Dublin Strategic Drainage Study and SuDs recommendations and will discharge to the culvert via an attenuated outfall, which would be an improvement compared to the existing uncontrolled discharge. A site-specific flood risk assessment has been included with the application which concludes that the site is located within 'Flood Zone C' and

would be appropriate as per 'The Planning System and Flood Risk Management'. I would concur that there is no requirement for a Stage 2 assessment or a 'justification test' in this case.

- 7.3.7. I note that concerns were raised about foul and surface water drainage capacity in the previous application. However, that involved a significant intensification of development whereas the proposed development does not. Irish Water did not report on the proposed development, but the planning authority has confirmed that there are no objections subject to conditions. Having regard to the information and proposals submitted, I am satisfied that the proposal will not result in any significant implications for the local water and drainage infrastructure, and I have no objection to the proposals subject to conditions.

7.4. **Appropriate Assessment Screening**

Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area, zoned for residential development, and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

I recommend that permission should be **granted**, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the pattern and character of development in the area, the design and scale of the proposed development, and the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the character or special interest of the Foxrock Architectural Conservation Area, would not seriously injure the residential amenity of surrounding properties, and would not endanger public safety or convenience by reason of traffic generation or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 Bord Pleanála on the 12th day of January, 2022, 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. A full set of drawings (including plans, elevations and sections) for the amended proposal received by An Bord Pleanála on the 12th day of January, 2022, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of clarity.

3. Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

4. 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.

5. Site development and building works shall be carried out only between the hours of 0800 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.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be

carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

7. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

8. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

9. 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 the 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.

Stephen Ward
Senior Planning Inspector

24th June 2022