



An
Coimisiún
Pleanála

Inspector's Report

PL-500075-DR

Development	Refurbishment of existing detached dwelling.
Location	Curraheen, Golf Lane, Torquay Road, Foxrock, Dublin 18, D18F9X4.
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D25B/0322/WEB
Applicant(s)	David Agar.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Colin & Catherine Barrett
Observer(s)	None.
Date of Site Inspection	02/12/2025.

Inspector

Anthony Abbott King

1.0 Site Location and Description

- 1.1. "Curraheen" is located on the west side of Golf Lane accessed via Torquay Road. The appeal site comprises a gable fronted detached bungalow with a high pitched roof set within mature grounds.
- 1.2. The house is accessed via a narrow driveway (with electronic gates) from Golf Lane. Golf Lane and the surrounding area is characterised by substantial detached properties on large plots. There is an electric mix of house type on Golf Lane, which gives access to Foxrock Golf Club.
- 1.3. The adjoining house to the northwest is, known as "Ardenza" the adjoining house to the southwest is known as "Glenshee" and the adjoining house to the south is known as "Foxrock Villa". All accessed from Torquay Road.
- 1.4. All are detached properties on mature grounds. The grounds of "Foxrock Villa" are being redeveloped to accommodate four substantial detached houses. The former "Foxrock Villa" grounds are significantly truncated providing for a residual setting to the retained house.
- 1.5. Two of the houses constructed on the grounds of "Foxrock Villa" front Golf Lane and are located between the vehicular entrance to "Curraheen" and the junction with Torquay Road. These houses are nearing completion.
- 1.6. "Glenshee" and the streetscape of period houses to the west are protected structures. "Curraheen" was developed within the historic curtilage of "Glenshee".
- 1.7. The house to the northeast is known as "Brentwood" accessed from Golf Lane. It is a modern gabled fronted bungalow with a high pitched roof.
- 1.8. Site area is given as 0.12 hectares.

2.0 Proposed Development

- 2.1. The refurbishment and part single-storey part two-storey extension of the existing dwelling house on site.

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant permission subject to 10 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The decision of the CEO of Dun Laoghaire-Rathdown County Council reflects the recommendation of the planning case officer.

- The planning authority granted permission subject to condition following a further information request (30/07/2025). The applicant was asked to clarify the following:

(1) Under the current proposal, the development is described as a 'refurbishment of the existing detached dwelling'. Having regard to Policy Objective CA6: Retrofit and Reuse of Buildings of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the Applicant is requested to submit plans, elevations or any relevant drawings clearly detailing the walls / extent of the existing dwelling that will be retained.

In response (01/09/2025) to further information the applicant submitted revised existing plans, section and elevation drawings (DRG. No. 2015/505; 2015/S06).

3.2.2. Other Technical Reports

- No objection subject to condition.

3.3. **Third Party Observations**

There are two third party submissions on file objecting to the proposed development recommending the refusal of planning permission.

The submission from the resident of the adjoining property at "Glenshee" outlines matters reiterated in the appeal statement, which are summarised below.

- There is a history of development application on this site which has been consistently refused (most recently 17/06/2024). The submission contends that the proposed development has not considered the potential to negatively

impact on the amenities, including overshadowing, loss of light, dominance and loss of privacy of existing residences proximate to the development site inconsistent with Zoning Objective "A", which seeks to protect existing residential amenity.

- The scale of the proposed development is excessive, as previously adjudicated by An Bord Pleanála, and represents overdevelopment of the site. The current proposal is of a significantly increased scale over previous applications 2.15 times (458 sqm) the existing floor area of 212.7 sqm, increasing the plot ratio from 0.18 to 0.33.
- The proposed development would result in a depreciation of visual and residential amenity of adjoining properties, including impairing the visual and residential amenity of the residents of "Glenshee" by reason of the reduction of the separation distance between the houses and the flat roof profile of the modified dwelling house, which would exhibit a 7m high flat wall at a distance of 4.6m from the shared property boundary (2.5m closer proximity to the shared boundary than the previous application).
- The proposed development would have a negative impact on the Foxrock Architectural Conservation Area (ACA), by reason of altering its character, given the proximity of the development to a number of protected structures, including "Glenshee".
- The submission concludes that the proposed development seeks to overtly contravene the decision to refuse planning permission under Reg. Ref. D23A/0640, which undermines the An Bord Pleanála reasons to refuse permission.

The submission from the resident of "Brentwood", the adjoining neighbour to the northeast, is summarised below:

- The proposed two first floor windows to the north-west (Bedroom 2) and south-east (Bedroom 3) will afford overlooking of the adjoining property.
- The proposed development is inconsistent with Section 12.3.7.1 (Extensions to Dwellings) of the development plan in terms of overshadowing, overbearing and overlooking impacts given proximity, height and length along shared

property boundaries. An overlay drawing accompanies the submission with indicative arrows indicating the location of the proposed first floor Bedroom 2 and Bedroom 3.

4.0 Planning History

4.1. The relevant planning history is detailed below:

- Under Reg. Ref. ABP-318754-23 (D23A/0640) planning permission was refused by An Bord Pleanála, subsequent to a notification to grant permission subject to conditions by the planning authority, for the refurbishment of “Curraheen” and the construction of a ground floor, first floor and roof level extension to form a two-storey plus dormer detached dwelling (392.9 sqm total floor area). The reasons for refusal are detailed below:

(1) Having regard to the design, scale and disposition of the proposed development, it is considered that the development as proposed would result in an overbearing and visually obtrusive structure when viewed from the rear gardens of adjoining protected structures on Torquay Road, in particular Glenshee and, in addition, would negatively impact on the character of the Foxrock Architectural Conservation area. The Objective HER 8 (protected structures) as well as HER 13 (architectural conservation areas) of the Dun Laoghaire Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

(2) Having regard to the scale, height and orientation of the proposed development and, in particular, to the fenestration of the elevations addressing Glenshee, the development as proposed would seriously injure the residential amenity of property in the vicinity, in particular the residential amenity of Glenshee, by reason of overlooking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- Under Reg. Ref. D21A/0939 planning permission was refused for the demolition of the existing single-storey detached dwelling with habitable

accommodation within the roof space (142 sqm), known as “Curraheen”, and the construction of a two-storey replacement dwelling (424 sqm).

(1) *The Planning Authority is not satisfied that on the basis of the information provided by the Applicant the existing dwelling is beyond repair due to structural defects. Therefore, the requirements of Section 12.3.9 Demolition and Replacement Dwellings, policy Objective CA5: Energy Performance in Buildings, Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock – Adaptation of the DLR County Development Plan 2022-2028 have not been adequately met. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

- Chapter 13 (Land Use Zoning Objectives) Table 13.1.1 (Development Plan Zoning Objectives) is relevant.

The area zoning objective is “A”(Map 6): *To provide residential development and improve residential amenity while protecting the existing residential amenities.*

Residential is a permitted in principle use.

I note the site is adjacent but not within the Foxrock Architectural Conservation Area (ACA).

- Urban Consolidation

Chapter 4 (Neighbourhood-People, Homes and Place), Section 4.3.1.2 is relevant.

Policy Objective PHP19 (Existing Housing Stock-Adaptation) is relevant and states:

Conserve and improve existing housing stock through supporting improvements and adaptation of homes consistent with NPO 34 of the NPF.

Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

- Heritage Architecture

Chapter 11 (Heritage and Conservation) Section 11.4.3 is relevant.

Section 11.4.1.2 Policy HER 8 (Protected Structures) *inter alia* states: *It is a Policy Objective to:*

(vii) Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.

Section 11.4.2.1 Policy HER 13 (Conservation Areas) *inter alia* states. *It is a Policy Objective to:*

(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.

Section 11.4.3.3 Policy HER 21 in the matter of nineteenth and twentieth century building, estates and features states: *It is a Policy Objective to:*

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings, and estates to ensure their character is not compromised.*
- ii. Encourage the retention and reinstatement of features that contribute to the character of exemplar nineteenth and twentieth century buildings, and estates such as roofscapes, boundary treatments and other features considered worthy of retention.*

iii. *Ensure the design of developments on lands located immediately adjacent to such groupings of buildings addresses the visual impact on any established setting.*

- Extensions

Chapter 12 (Development Management) Section 12.3.7.1 (Extensions to Dwellings) provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.

- Section 12.3.7.1 (ii) (Extensions to the Rear) is relevant and *inter alia* states:

First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- *Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.*
- *Remaining rear private open space, its orientation and usability.*
- *Degree of set-back from mutual side boundaries.*
- *External finishes and design, which shall generally be in harmony with existing.*

- The Section 12.3.7.1 (iii) (Extensions to the Side) is relevant and *inter alia* states:

Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.

First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front façade and its roof profile and ridge

may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

- Section 12.3.7.7

In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings.....

5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

6.0 **EIA Screening**

- 6.1. The proposed development is not within a class where EIA applies.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The appeal, prepared by Planning and Development Consultants, on behalf of Catherine and Colin Barrett of "Glenshee" Torquay Road Foxrock, is summarised below:

- The planning authority previously refused permission for a replacement house under Reg. Ref. D21A/0939. In 2023, the planning authority under Reg. Ref. D23A/0640 granted permission for the conversion of the existing large detached dwelling on site (231 sqm) to a larger property (392.9 sqm).
- D23A/0640 was subsequently appealed and refused permission by An Bord Pleanála (ABP-318754-23). It is claimed that the applications to date represent

over scaled development (458 sqm) of the existing dwelling house, including the subject appeal.

- The Commission is asked to note the similarities between the current and previous planning applications and the application under appeal (392.9 sqm vs 458 sqm). It is claimed the applicant is asking the Commission to ignore its previous decision while allowing a further 68 sqm. in house extension.
- The existing house on site was constructed in the grounds of “Glenshee” (back garden) the appellant’s residence. The site area of the 3-bed infill house, constructed circa. 25 yrs., known as “Curraheen”, on a P-shaped 0.12 hectare backland site is the same size site as the appeal site.
- The appellant compares the relevant sections of the application forms of the subject applications under appeal and previously refused. It is claimed that it is very confusing for the appellant how the existing dwelling on site has increased in size from 212.7 sqm to 231.49 sqm since the previous refusal. It is claimed that 19 sqm represents a significant difference in floor area, as it reduces the net additional floor area proposed.
- It is claimed the existing house respects its sensitive location and that its design was informed by these sensitivities including adjoining protected structures. This dwelling maintains no windows that overlook the appellant’s property. It is setback from the shared property boundary. Its siting, scale and massing do not cause overbearing impacts.
- “Glenshee” is a two-storey protected structure (RPS No 1614) located on Torquay Road within the Foxrock Architectural Conservation Area (ACA). The adjoining house at “Ardenza” (RPS No 1624) to the west is also a protected structure. The appeal site is to the rear and side of the grounds of these protected structures.
- The existing large infill house is visually subservient to “Glenshee” (303 sqm with outbuildings), as is appropriate given the protected status of “Glenshee”. It is claimed that views from the windows and gardens of “Glenshee” and from the conservation area on Torquay Road toward “Glenshee” are not adversely

impacted at present by the existing dwelling on the appeal site, as mostly only its roof is visible.

- The appellant proposes a reasonably scaled de facto replacement dwelling for the site whose front elevation continues to front the driveway and an external parking area to the southeast of the dwelling. The application under appeal doesn't achieve this objective.
- The existing house would have significant new extensions (229 sqm), which were previously refused twice by the planning authority and An Bord Pleanála. The extensions are larger than those previously refused (180.2 sqm). The new house would have a floor area of 458 sqm. This is more than double the size of the existing dwelling (2.15 times).
- The floor area of the new infill house would be significantly greater (35% larger) than "Glenshee" (303 sqm), which should be the dominant structure by reason of its protected structure status. The "Glenshee" grounds are 0.232 hectares where the proposed house would be accommodated on a 0.12 hectare site.
- The plot ratio of "Glenshee" is 0.13. The applicant is proposing a plot ratio of 0.38. The proposed development is 2.92 times denser than "Glenshee". The previously refused proposal had a plot ratio of 0.33. The current plot ratio is approximately 17% larger than the 0.33 plot ratio refused as excessive by An Bord Pleanála.
- The applicant is proposing a flat roof dwelling. However, to achieve this design solution the applicant has increased the footprint of the building. This has resulted in the entire structure being located closer to "Glenshee". It is claimed that the pitched roof of the existing house slopes away from the shared boundary and this mitigates its visual impact.
- The applicant proposes to re-orientate the elevations of the existing house on site. The front of the house (southwest elevation) would now face "Glenshee" and beyond Torquay Road (architectural conservation area). The view from Torquay Road is highly visible.
- Notwithstanding the use of design devices such as blind window openings and obscure glazing at first floor level, the proposed re-siting of the front elevation

metres from the shared property boundary is 'hopelessly poorly considered'. The development would detract from views toward "Glenshee" from Torquay Road and would be visually incongruous.

- It is claimed that the existing dwelling is to be converted into a de facto two-storey Georgian mansion (large scale pastiche) with the existing side elevation to be re-purposed as a grand new front elevation using the back garden of "Glenshee" as prospect. The appellant states that this is the most significant issue with this proposal.
- The appellant notes that the existing and proposed elevations are raised above external ground level. The total height of the southwest elevation above the "Glenshee" back garden would be 7.6m (84.05 OSD minus 76.45OSD) or 8.4m at its tallest point (as per the planner's report).
- The new house would have an appearance of a wholly new large-scale dwelling sited closer to "Glenshee". The Commission is asked to have regard to Section 11.4.33, Policy Objective HER 21 - Nineteenth & Twentieth Century Buildings, Estates and Features - of the of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 in the matter of ensuring that the visual character of these areas remain unharmed.
- Furthermore, the proposed new infill house would overlook the rear garden of "Glenshee" by reason of the location of fenestration in the southwest elevation. The appellant claims perceived overlooking from two first-floor blank openings and overlooking from two ensuite bathroom window openings furnished with obscure glazing.
- The largescale fenestration of the bedroom windows proposed to face northwest and southeast would also cause overlooking of adjoining properties, including "Glenshee".
- The proposed new infill house would represent an overdevelopment equivalent to that previously refused planning permission. It is claimed the applicant has not addressed the reasons for refusal issued by An Bord Pleanála under Reg. Ref. ABP-318754-23.

- The proposed extension(s) represent cumulative overdevelopment of the appeal site on its south-western side between the existing dwelling and the shared property boundary.
- The two-storey design of the new front elevation proximate to the shared property boundary would result in a house that would be bulky and visually obtrusive and would not be subsidiary to the main dwelling house inconsistent with Section 12.3.7.1 (Extensions to Dwellings) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.
- In specific the lack of any stepping back at first floor the southwest elevation would appear out of context and monolithic. It is claimed that the proposal is unsympathetic and incongruous with its sensitive setting in the environs of a protected structure and visible from the Foxrock ACA .
- The proposal would cumulatively adversely impact adjoining residential amenities and the character of the area. While it is accepted that the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) seek to encourage compact growth in suburban locations, it is claimed the development under appeal fails to meet the protections provided by the Guidelines in the matter of receiving environments in terms of residential amenities and general area character including historic character.
- In the matter of the planning authority recommending the conditioning of the previous development refused by An Bord Pleanála (ABP-318754-23), Table 1 of the appeal statement compares the reasons for refusal of the previous development, as assessed by the An Bord Pleanála inspector, and the current assessment of the appellant of the development under appeal.
- It is claimed the scale, height, design and disposition / orientation of the new infill house would seriously injure the residential amenity of property in the vicinity, in particular the residential amenity of “Glenshee” and the character of the Foxrock ACA, *inter alia* by reason of overlooking, overbearing and visually obtrusive impacts and, as such, would be inconsistent with development plan policy, including Policy Objective HER (protected structures) and Policy

Objective HER 13 (architectural conservation areas) and with the proper planning and sustainable development of the area.

- It is claimed that the applicant proposes to “wholly” demolish the existing house on site but does not want to state same in the public notice. The appellant over 3 applications has made clear to the planning authority and An Bord Pleanála that the existing dwelling is of an appropriate scale and footprint or the appeal site given the sensitive location.
- The applicant by further information response shows the outline of the existing dwelling on site and the outline of the full extended area to the southwest of the existing footprint rising two-storeys in height. The extensions are the scale of an entire infill development.
- It is claimed that the planning authority made a significant error in its assessment by stating: *the Planning Authority notes that while it is welcomed that the incumbent footprint is largely maintained.* The existing gable fronted infill dwelling (single-storey) footprint is 135.37 sqm (incumbent footprint). The current application proposes a footprint of 278.6 sqm, which is a 34.2% increase on the An Bord Pleanála refusal footprint (183.5 sqm).
- The setback of the existing house to the shared property boundary is 6747mm and 11500mm, respectively (as the existing building is L shaped). The previously refused development proposed setbacks of 7901mm (1st refusal) and 7315mm (2nd refusal). It is noted the setback to the rear / back to “Brentwood” to the northeast is 1265mm.
- It is claimed the planning authority has permitted the applicant to reconfigure the dwelling’s siting such that its front and rear elevations would immediately address “Glenshee” (southwest) and “Brentwood” (northeast), with a front and back garden rather than the gable fronted orientation of the existing house to Golf Lane, inconsistent with Section 12.3.7.1 (extensions to Dwellings) of the development plan.
- It is claimed the planning authority did not understand the significant extend of the increase to the footprint of the dwelling as it would impact on “Glenshee”. It is claimed the increase in footprint represents a gross overdevelopment of

what is the existing setback area between “Glenshee” and “Curraheen”, which protects the residential amenities of the adjoining property, the setting of the protected structure and the views toward the site from the ACA.

- It is claimed that the drawings do not match the reality shown on the aerial photograph on Figure 5. The setback is shown as 4595mm, which appears to be incorrect in instances. The appellant suggests the ACP inspector measure the distance with a measuring tape to the party boundary.
- There are serious concerns regarding the proposal, which is out of character with the pattern of development in the area. The proposal would be visually disruptive because of the extended side elevations. It is claimed the proposal would alter the appearance of the area.
- The proposal would set a negative precedent for the redevelopment of existing houses on restricted sites adjoining protected structures and ACAs by reason of excessive additional floor area.
- The proposed development will depreciate the value of the appellant’s property as provided for in Fourth Schedule (reasons for refusal excluding compensation) of the Planning Acts 200-2025.
- Finally, the appellant recommends refusal and attaches reasons for refusal, including the previous reasons for refusal of the development proposed under ABP-318754-23.

7.2. Applicant Response in the case of a 3rd Party Appeal

The applicant responded to the 3rd party appeal on the 21/10/2025. The applicant response, prepared by Kiaran O’Malley Planning Consultants on behalf of the applicant, is summarised below:

- The applicant has reviewed the appeal which it is claimed is excessively repetitive, including 40 figures some of which appear not to be relevant to the proposal.
- The basis of the appeal is that the proposal would be more visible than the existing house when viewed from the adjoining property at “Glenshee” affecting

the setting of the appellant's house and the Foxrock Architectural Conservation Area (ACA).

- The previous application was refused for two reasons (1) overbearing and visually obstructive structure with a potential adverse impact on the character of the Foxrock ACA; (2) Overlooking.
- The applicant claims that the proposal addresses the previous reasons for refusal (ABP-318754), confirmed by the planning authority, including adverse visual impacts on the receiving environment, including the reduction in the bulk and mass of the proposal as viewed from "Glenshee".
- It is claimed that the current proposal under appeal represents a substantial and material change to what was previously refused by An Bord Pleanála. Therefore, the Commission is requested to reject the grounds of appeal and confirm the decision of the planning authority.
- A refurbished and extended two-storey flat roof dwelling is now proposed with a significantly lower overall height of 7.054m compared to 9.8m in the previous application. The overall height is lower than the ridge height of the adjoining houses at "Glenshee" and "Brentwood".
- It is acknowledged the floor area of the house has increased on the previous proposal. However, the majority of the floor area is at ground floor level (278.6 sqm), which does not increase overbearing and visual impact.
- The first floor area (179.5 sqm) is 30 sqm less than the combined first and attic level floor area of the previous proposal (209.3 sqm). Furthermore, the first-floor width of the house has been reduced by 3.23m.
- In the matter of overlooking, it is claimed there wont be any overlooking of the appellant's property. The first floor windows in the south-west elevation light two ensuite bathrooms furnished with obscure glazing. The applicant has no objection to a condition to maintain the ensuite windows with permanent obscure glazing and bottom hinged.

- Furthermore, the landscape plan, prepared by Richard Fanning Design, shows the existing boundary treatment with mature trees being augmented by additional planting.
- The applicant cites ABP-317457-23 where a boundary planting plan was considered to adequately reduce the visual impact at the “Tallon House” by An Bord Pleanála and the same should apply to the appeal site.
- The window to window first floor separation distances, including bedroom windows located in the northwest and southeast elevations, all exceed the old standard of 22m and range from 28.7m to 36.7m.
- The southwestern elevation is now a side elevation and not the front elevation as erroneously stated in the appeal statement. It is claimed the relocation of the entrance represents a further material change to the proposal previously refused.
- The relocation of the entrance would result in a significantly reduced level of activity on the “Glenshee” side of the refurbished dwelling. Furthermore it provides sufficient room for increased boundary screening.
- In the matter of architectural conservation designation, the appeal site is not within the Foxrock ACA nor is it within the curtilage of a protected structure. It is acknowledged that the appeal site did form part of a substantial rear garden at “Glenshee” (formerly known as Feldburg).
- It is noted that “Glenshee” was added to the RPS in 2010 long after “Curraheen” was constructed. The Commission is invited to agree that the curtilage of “Glenshee” as a protected structure does not include any part of the appeal site.
- The planning authority conservation officer did not report on the proposed development. The conservation officer comments on the previous proposal related to the overall pastiche appearance of the house design.
- It is claimed that redevelopment in the immediate environs of the appeal site is resulting in significant change to the character of the appellant’s property and

the ACA, as the planning authority and the Commission promotes compact urban development.

- The applicant *inter alia* cites the following planning permissions abutting the appellant's property: D19A/1026 (a substantial 2-storey extension to "Ardenza"); D22A/0555 (4 new substantial dwellings in the grounds of "Foxrock Villa"); D23A/0001 (2 no. 2-storey detached dwellings within the curtilage of "Ardenza" and "Glenarm" both protected structures).
- The applicant notes that the roof of the existing property is only partially visible to the right of "Glenshee" when viewed from Torquay Road. The applicant invites the Commission to agree that the proposal doesn't affect the ACA given the location of the development outside the ACA, the proposed landscape screening and the changing built-context within Torquay Road.
- It is claimed, having regard to the revised design that reduces the bulk, scale and profile of the house in combination with proposed boundary screening, that the proposal complies with policies HER8 (work to protected structures) and HER13 (architectural conservation areas) of the development plan previously cited in the reason for refusal.
- In the matter of other issues raised in the appeal, the applicant clarifies that it is not proposed to demolish the existing dwelling house on site.
- The applicant clarifies that the labels applied to the architectural drawings do not correctly name the proposed elevations. The southwest elevation will not be the front elevation of the refurbished house. A review of the drawings / floor plans clearly shows the front door and entrance hall located on the south-eastern elevation. The proposed refurbished dwelling retains the orientation of the existing dwelling.
- There is no mention of plot ratio in the development plan development management standards. There is no change in site density. Notwithstanding the applicant estimates that the recently granted permission at "Foxrock Villa" (D22A/0555), within the ACA, represents plot ratios of 0.43-0.6 for house plots 1-4, which all exceed the 0.38 plot ratio stated by the appellant.

- There will be in excess of 300sqm of open space to the rear of the refurbished dwelling and 280 sqm to the front (excluding the driveway) after the construction of the proposed extension. There will be a 4.6m-6.0m setback along the southwestern boundary. It is claimed that the proposal does not represent an over development of the site or set an undesirable precedent.

7.3. Planning Authority Response

The planning authority consider that the grounds of appeal do not raise any new matter that would justify a change of attitude to the proposed development. The Commission is referred to the previous Planner's Report.

7.4. Observations

None.

8.0 Assessment

8.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant planning policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning / Principle of Development
- Compact Growth / Urban Consolidation
- House Design
- Development Standards Extensions
- Open Space
- Plot Ratio
- Impact on Protected Structure(s)
- Impact on the Foxrock Architectural Conservation Area (ACA)
- Trees
- Other Matters

Zoning

- 8.2. The site is zoned Objective “A” of the Dun Laoghaire-Rathdown Development Plan 2022-2028, which seeks *to provide residential development and improve residential amenity while protecting the existing residential amenities.*
- 8.3. Residential development is acceptable in principle and may be permitted where the proposed development is compatible with the overall policies and objectives for the zone.

Urban Consolidation

- 8.4. The proposed development is located in a mature suburb with access to frequent public transport and social and business services.
- 8.5. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) set national planning policy and guidance in relation to the planning and development *inter alia* for urban settlements with a focus on sustainable residential development and the creation of compact settlement, including in mature suburban locations.
- 8.6. The applicant proposes to retrofit the existing dwelling house, built approximately 25 years ago, and to provide for additional accommodation on site.

Adaptation of the housing stock

- 8.7. Section 4.3.1.2, Policy Objective PHP19 (Existing Housing Stock-Adaptation) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 provides for the improvement of the existing housing stock through supporting improvements and adaptation of homes consistent with national policy objectives on the reuse of existing buildings.
- 8.8. While the appellant accepts the principle of compact growth in suburban locations, it is claimed that development under appeal fails to meet the protections provided by the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) in terms of a cumulatively adverse impact on residential amenities and general area character, including historic character, given the sensitive receiving environment.
- 8.9. I interrogate these matters below.

House Design

8.10. The applicant propose to convert by refurbishment and extension the existing bungalow on site to a predominantly two-storey house with a flat roof. The house would extend deep into the site along the side boundaries with “Glenshee” to the southwest and “Brentwood” to the northeast.

Footprint

- 8.11. The house would comprise a dominant two-storey volume on site with projecting single-storey volumes. The proposed building footprint would be greater than the existing building footprint on site (135 sqm is the existing footprint cited by the appellant).
- 8.12. The appellant claims that the applicant proposes to increase the building footprint to 278.6 sqm. The appellant notes that the proposed footprint of the house refused by An Bord Pleanála was 183.5 sqm (ABP-318754-23). It is claimed that the footprint of the application under appeal is 34% greater than the development previously refused permission.
- 8.13. The appellant claims the planning authority erred in stating that the incumbent footprint would be maintained on site, as stated in the planner’s report.
- 8.14. I note that the footprint of the first floor (14250mm x 14250mm) would be contained within the oblong east / west axis footprint of the existing single-storey house between the front and rear elevations. However, the first floor footprint would extend significantly beyond the oblong footprint of the existing single-storey structure to the southwest by an approximate 6m (6380mm).
- 8.15. In conclusion, the footprint of the extended house would be significantly increased by the proposed ground floor and first floor extension(s). The wrap around single-storey and two-storey extensions proposed to the existing dwelling house to the southwest and to the northwest are extensive both in terms of their scale and footprint.
- 8.16. The first floor square footprint (14250mm x 14250mm) is also significantly in excess of the existing oblong house footprint extending 6380mm forward of the existing southwest elevation toward the shared property boundary.

Building form

- 8.17. The central block of the house would present as a square shaped building (14250mm x 14250mm). Two sides of the square central block would be located along the shared property boundaries to the southwest (“Glenshee”) and to the northeast (“Brentwood”).
- 8.18. The other two sides of the two-storey central block would present as a two-storey entrance front to the drive (southeast elevation) and a rear elevation to the northwest further extended west by a large single-storey extension (projecting approximately 8m from the central block).
- 8.19. The pitched roof house with roof level accommodation previously refused planning permission would be replaced with a flat roof house design. I note that the planning inspector in the assessment of the previous application (ABP-318754-23) suggested that a flat roof contemporary house maybe a more suitable design solution mitigating impacts on adjoining residential properties.

Height

- 8.20. The applicant claims the extended two-storey flat roof dwelling is now proposed with a significantly lower overall height of 7054mm compared to 9800mm in the previous application. The applicant highlights that the overall height of the extended house is lower than the ridge height of the adjoining houses at “Glenshee” and “Brentwood”.
- 8.21. I note that the ridge height of the existing house is approximately 7m. The planning case officer notes that the building height would reduce from 9800mm to 8400mm (I presume to the apex of the chimney stacks).
- 8.22. The house would be accommodated on raised ground. I consider the overall height of the building onto the southwest boundary, which is the most sensitive part of the site in terms of overbearing impacts would measure approximately 8m to parapet level (7053mm plus the deferential in ground level of approximately 700mm).
- 8.23. I would concur with the planning case officer that the removal of the ‘sweeping roof hip-ends’ and attic floor space would significantly address overbearing impacts on the adjoining property to the southwest at “Glenshee” and visual impact as viewed from the Foxrock ACA.
- 8.24. I consider that the omission of a pitch roof design and the substitution of a flat roof design significantly reduces the presence and massing of the extended house both

along the shared boundaries with adjoining properties and from viewing corridors including Torquay Road.

Orientation

- 8.25. The appellant claims that the entrance front has been relocated to the southeast façade. The appellant considers that the new entrance front located 4595mm from the shared property boundary with “Glenshee” would utilise the rear garden of the adjoining house to the south as prospect.
- 8.26. The applicant by response clarifies that the new two-storey southeast elevation is not the entrance front. The entrance front remains to the southeast fronting the drive. A two-storey elevation would replace the gable-fronted entrance front of the existing house on site.
- 8.27. The applicant evidences that the southwest elevation will not be the front elevation of the extended house. The labels applied to the architectural drawings do not correctly name the principal elevations.
- 8.28. A review of the drawings / floor plans clearly shows the front door and entrance hall located on the south-eastern elevation. The proposed refurbished dwelling retains the orientation of the existing dwelling.
- 8.29. I consider that the applicant has clarified that the entrance front will remain in the existing location on site.
- 8.30. The extended house would accommodate a suite of reception rooms, kitchen and ancillary spaces at ground floor level and accommodate four bedrooms and ensuite bathrooms at first floor level. The proposed development would provide an acceptable level of residential accommodation on site.

Demolition

- 8.31. Finally, the appellant claims that the proposed development is a replacement of the existing structure on site requiring whole demolition and reconstruction.
- 8.32. The applicant has clarified by way of further information response and applicant response to the appeal that the intention is to retain the existing structure on site. I accept the bona fides of the applicant.

- 8.33. The applicant would retain / retrofit most of the existing walls, the pitched-roof would be removed as would the sunroom. I note the gables would be in the majority demolished.
- 8.34. I concur with the planning authority that a sufficient portion of the existing building is capable of being integrated into the proposed development satisfying Section 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings.
- 8.35. I conclude that proposal to replace the existing single-storey pitched roof bungalow on site with a significantly larger two-storey flat roof house by refurbishment and extension is consistent with Policy Objective PHP19 (Existing Housing Stock-Adaptation).

Extension(s)

- 8.36. The applicant proposes to significantly expand the floor area of the existing house by part single storey and part two storey extension to the side and rear. The house has a stated existing floor area of 231 sqm. The house would have a combined extended floor area of approximately 460 sqm.
- 8.37. The appellant highlights the extensions are larger than those previously refused by An Bord Pleanála under Reg. Ref. ABP-318754-23 (180.2 sqm).
- 8.38. The appellant states that the extended house is excessive in size in combination with the existing floor area of the dwelling on site to be retained and would in terms of scale, height, design and orientation have a significant adverse impact on the residential amenities of adjoining properties, in particular "Glenshee" located to the southwest.
- 8.39. Policy Objective PHP19 (Existing Housing Stock-Adaptation) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 *inter alia* states that in densifying existing built-up areas in the County through small scale infill development the planning authority will have due regard to the amenities of existing established residential neighbourhoods.
- 8.40. The applicant proposes a combination of front, rear and side extension. Section 12.3.7(Additional Accommodation in Existing Built-up Areas) Section 12.3.7.1 (extensions to Dwellings) provides individualised guidance for the extension of a dwelling to the front, rear and side.

8.41. Section 12.3.7.1 (ii) (Rear Extensions) provides the following assessment criteria for first floor extensions: Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries; remaining rear private open space, its orientation and usability; degree of set-back from mutual side boundaries; external finishes and design, which shall generally be in harmony with existing. I consider these factors below.

Separation distance

8.42. The separation distance between the rear elevation of "Glenshee" and the proposed southwest elevation of the extended house would be approximately 22m. I note the significant separation distance of the existing rear building line of "Glenshee" and the new southwest building line of "Curraheen".

8.43. The separation distance with "Brentwood" would be approximately 1.2m to the shared property boundary.

8.44. The separation distance with "Ardenza" is significant. The northwest elevation is setback from the shared property boundary at first-floor level at a distance of 32m.

8.45. The appellant claims that the planning authority has permitted the applicant to reconfigure the existing dwelling house siting such that its front and rear elevations would immediately address "Glenshee" (southwest) and "Brentwood" (northeast), with a front and back garden rather than the existing gable fronted orientation of the house on site to Golf Lane.

8.46. I have reviewed the internal ground floor plan of the extended house. I consider that the proposed southwest elevation would represent a second principal frontage to the refurbished and extended house, accommodating an elongated suite of reception rooms / kitchen, which would elevate onto the side garden of the house at ground floor level.

8.47. I note the proximity of these reception rooms and associated southwest facing terrace to the shared property boundary at a distance of 4.6m (4.595m).

8.48. The applicant has submitted a landscape plan, prepared by Richard Fanning Design, showing the existing boundary treatment with mature trees being augmented by additional planting. I consider that this would create a buffer between the southwest terrace and the shared property boundary.

- 8.49. I acknowledge the proximate location and extent of the two-storey and single-storey extension along the southwest boundary, incorporating a suite of reception rooms at ground floor level accessing a terrace located in the separation distance between the properties, is not optimal.
- 8.50. However, I do not consider that the overall development warrants a refusal of planning permission, or modification by condition, given the separation distance between “Glenshee” and the proposed southwest elevation (22m).
- 8.51. I consider that the proposal for additional planting along the southwest boundary would provide acceptable mitigation to protect the privacy of “Glenshee” located to the southwest of the shared property boundary.
- 8.52. I conclude that the proposed extended house would have on balance adequate separation distances with adjoining properties.
- 8.53. *Overshadowing*
- 8.54. The shadow casting analysis, prepared by Fergal Fitzpatrick, provided by the applicant confirms that there would be no significant overshadowing impacts.
- 8.55. The submitted analysis confirms that the development will not reduce the sunlight to the amenity space at “Brentwood”, as measured on 21st March. Furthermore, there will be no discernible depreciation in skylight to existing windows.
- 8.56. I note that the proposed development is to the north of “Glenshee” and, as such, would not impact the path of the sun.
- 8.57. I consider that there would be no adverse overshadowing impacts resulting from the extended house on site.
- 8.58. *Overbearing*
- 8.59. The overbearing impacts of the development would be significantly mitigated by the flat roof design of the house under appeal. This matter is interrogated in more detail below in the context of the impact of the development on the setting of the protected structure at “Glenshee”.
- 8.60. I consider that the overbearing impacts that would result to the northeast on the boundary with “Bentwood” would be acceptable given the side to side orientation of both properties.

Overlooking

- 8.61. I note that one of the two reasons for refusal of the previous application was adverse overlooking impacts on "Glenshee" located to the southwest.
- 8.62. The previous southwest elevation fenestration comprised of three large windows (two bedrooms and a bathroom) and one small circular window (ensuite bathroom). The distance to the shared property boundary was given as 7m in the inspectors report (ABP318754-23).
- 8.63. The current proposal restricts fenestration in the southwest elevation to two first floor openings lighting ensuite bathrooms furnished with obscure glazing. However, the window openings are closer to the shared property boundary at 4.6m.
- 8.64. The south roof plane of the existing house on site is uninterrupted and is not fenestrated. The proposed first floor window openings in the south-west elevation of the extended house would introduce fenestration onto the shared property boundary above ground floor level.
- 8.65. I consider that there would be no direct overlooking of "Glenshee" either from the ensuite openings in the southwest elevation furnished with obscure glazing or from the bedroom window openings in the southeast and northwest elevations (with no direct line of vision). However, I acknowledge a perception of overlooking given that there is no above ground fenestration looking toward the southwest presently.
- 8.66. The applicant response notes that window to window first floor separation distances, including bedroom windows located in the northwest and southeast elevations, all exceed the old standard of 22m and range from 28.7m to 36.7m.

"Brentwood"

- 8.67. The northeast elevation adjoining the side elevation of "Brentwood" would have a number of blank window openings at first floor level and two window openings lighting ensuite bathrooms furnished with obscure glazing. There would be no direct overlooking of the adjoining property to the northeast.
- 8.68. I note that the resident of "Brentwood" in the third-party submission to the planning authority claims that his property would be overlooked from bedroom window openings in the southeast and northwest elevations. I consider that no direct

overlooking of "Brentwood", located to the north, would result from the proposed first floor fenestration given the orientation of the bedroom windows looking east and west.

"Ardenza"

8.69. The appeal site adjoins the grounds of "Ardenza" to the west. The northwest elevation is significantly setback from the shared property boundary at first-floor level (32m). There would be no direct overlooking of the property to the west.

8.70. I conclude that there would be no direct overlooking of adjoining properties. I acknowledge there would be a perception of a overlooking from the proposed obscure glazed window openings in the side elevations at first floor level, including the openings located 4.6m from the shared property boundary with "Glenshee". However, I do not consider that a perception of overlooking would warrant a refusal of planning permission.

Elevation Treatment

8.71. The appellant claims that the proposed house would represent a Georgian pastiche.

8.72. The applicant response notes that conservation officer did not report on the proposal under appeal.

8.73. I consider that the matter of elevation treatment is secondary to building form, scale, height and massing. On balance the architectural treatment of the elevations of the extended house are acceptable in principal given the eclectic mix of architectural styles in the vicinity and on Golf Lane.

Open Space

8.74. The applicant confirms that there would be in excess of 300sqm of open space to the rear of the refurbished dwelling and 280 sqm to the front (excluding the driveway) after the construction of the proposed extension (s).

8.75. The residual open space would satisfy minimum open space standards and usability.

Plot Ratio

8.76. The appellant claims the applicant is proposing a plot ratio of 0.38. The plot ratio of "Glenshee" is given as 0.13. The appellant claims the proposed development is 2.92 times dense than "Glenshee" and that the previously refused proposal had a plot ratio

of 0.33. The current plot ratio is approximately 17% larger than the 0.33 plot ratio refused as excessive by An Bord Pleanála.

- 8.77. I note that “Glenshee” is a protected structure and that the curtilage of “Glenshee” providing an extensive garden setting is integral to its character and protected structure status. The setting of “Curraheen” is less constrained given that it is in origin an infill house.
- 8.78. The applicant response estimates that the recently granted permission at “Foxrock Villa” (D22A/0555), within the ACA, represents plot ratios of 0.43-0.6 for house plots 1-4, which all exceed the 0.38 plot ratio stated by the appellant.
- 8.79. I consider that plot ratio is an effective development standard used in urban environments where site coverage is approaching 100%. There is no applicable plot ratio standard for domestic extension in the Dun Laoghaire-Rathdown County Development Plan 2022-2028.
- 8.80. I note the comparisons highlighted by both the appellant and the applicant. I do not consider that the plot ratio proposed is excessive given the plot ratio of infill housing in the vicinity.
- 8.81. I conclude that the proposed development does not represent overdevelopment of the appeal site (0.12 hectares) in terms of site coverage or plot ratio.

Impact on Protected Structure(s)

- 8.82. The adjoining property at “Glenshee” is a protected structure (RPS No 1614). The appeal site is located in the historic curtilage of “Glenshee”. The adjoining house at “Ardenza” (RPS No 1624) to the west is also a protected structure.
- 8.83. HER 8 (Work to Protected Structures) *inter alia* states to protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the protected structure.
- 8.84. The applicant highlights that the planning authority conservation officer did not report on the proposed development.
- 8.85. It is also acknowledged that protected structure status of “Glenshee” post-dates the designation of the house and grounds as a protected structure.

- 8.86. I note that the architectural conservation area boundary specifically excludes the grounds of "Curraheen" indenting along the northern spatial boundary of the designation.
- 8.87. The applicant response states that "Glenshee" was added to the RPS in 2010 long after "Curraheen" was constructed. The Commission is invited to agree that the curtilage of "Glenshee" as a protected structure does not include any part of the appeal site.
- 8.88. I agree that the appeal site does not form part of the curtilage of the protected structure. I also note the separation distance between the rear elevation of "Glenshee" to the proposed southwest elevation of the extended house (22m).
- 8.89. Notwithstanding I consider that the appeal site is a sensitive location given its relationship directly adjoining the conservation area and the proximity of the shared property boundary to the rear of "Glenshee", as redefined following the earlier truncation of the grounds.
- 8.90. The existing house on site at "Curraheen" is in nature a subsidiary structure within the environs of "Glenshee". The existing building roof is visible from Torquay Road and presents as a low horizontal emphasis structure. There is no fenestration in the uninterrupted southwest roof plane of the existing house, which simplifies the existing built form.
- 8.91. I note that rooflights are visible from Torquay Road in the south roof plane of the high-pitched roof to "Brentwood" to the north of the appeal site.
- 8.92. The appellant notes that the existing large infill house is visually subservient to "Glenshee". However, it respects its sensitive location and that its design was informed by these sensitivities including adjoining protected structures.
- 8.93. The proposed development would present a two-storey elevation to the shared property boundary. The first floor would be modulated by two blank openings and two openings furnished with obscure glazing. The elevation would be approximately 14m in length and would be located 4595mm from the shared property boundary.
- 8.94. I consider the proposed two-storey elevation would present as a modulated wall with two window openings above the shared property boundary at first floor level and as viewed from the garden of "Glenshee" and from Torquay Road.

- 8.95. The planning inspector in the assessment of the previously refused development noted that the private garden / setting of “Glenshee” is an integral part of its design and undoubtedly contributes to its special status (ABP318754-23). I would concur with the planning inspector.
- 8.96. I consider that the physical context to the rear of “Glenshee” would be significantly altered by the introduction of a new horizontal emphasis two-storey building line directly to the north of the shared property boundary. However, while there would be a change in context, I do not consider that the impact is adversely significant.
- 8.97. The extended house would present as a two-storey elevation above the shared property boundary 4.6m from the northern boundary of “Glenshee” exhibiting a blank first-floor elevation, bar two obscure glazed windows, extending approximately 14m along the shared property boundary, as viewed from the rear garden of “Glenshee” and from Torquay Road.
- 8.98. I do not conclude that the extended infill house would result in a negative visual impact when viewed from the gardens of “Glenshee”.
- 8.99. The proposed floor area (460 sqm) of the new two-storey extended house would be significantly larger than the floor area of the main house at “Glenshee” (303 sqm) within the overall historic environs. The appellant highlights the “Glenshee” grounds are 0.232 hectares whereas the proposed development would be accommodated on a 0.12 hectare site.
- 8.100. The size of the proposed ground floor and first floor extensions are extensive in combination with the existing house on site. I acknowledge that the scale of development proposed to the rear of the protected structure, in the grounds of “Curraheen”, would represent another dominant building form within the environs of “Glenshee”.
- 8.101. The applicant response cites a large number of planning permissions in the vicinity of the appeal site, which are changing the character of the area aligned with the implementation of compact growth / urban consolidation policies.
- 8.102. I note the planning permission for two-infill houses within the rear curtilage of “Ardenza” and “Glenarm” protected structures to the immediate west of “Glenshee”. I

also note the height, flat roof profile and orientation of the permitted houses and their distance from the protected structures.

8.103. I consider that permitted development to the rear of “Ardenza” and “Glenarm” has similar characteristics in terms of location, orientation, design and massing.

8.104. The permitted dwellings have floor areas of 350m, which is less than the 460m proposed at “Curraheen”. However, both infill houses to the rear of the protected structure are substantial two-storey buildings.

8.105. I note the height to parapet level of the flat roof designed contemporary villas is 7050mm. I also note that the separation distance between the side elevation of House A (in the rear curtilage of “Ardenza”) is approximately 25m from the rear of the main house on site (D23A/0001).

8.106. Furthermore, I note the redevelopment of the grounds of “Foxrock Villa” adjoining the appeal site to the south providing for the retention of the existing house on site and the construction of 4 additional substantial detached properties. These houses are nearing completion and redefine the relationship between the existing house and its former curtilage. However, I note that although within the Foxrock ACA “Foxrock Villa” is not a protected structure.

8.107. I acknowledge that the impact on “Glenshee” of a new streetscape of two infill houses to the east of the protected structure on the lands at “Foxrock Villa” is mitigated by the fact the permitted houses on Torquay Road follow the established building line, have a significant separation distance from “Glenshee” and are screened by the presence of mature planting.

8.108. The Architectural Heritage Impact Assessment accompanying application D23A/0001 concluded that the extent of the rear garden landscaping ultimately provides space for a house behind each house (“Ardenza” and “Glenarm”). I consider the setting of “Glenshee” is more open than either “Ardenza” or “Glenarm” located further to the west along Torquay Road.

8.109. I note that the applicant proposes 20 new trees to be planted along the boundary to improve screening (letter prepared by Richard Fanning Designs dated November 2024), including along the southwest boundary which is not heavily planted at present. I consider that the proposed screening with mature planting along the shared property

boundary would in part mitigate the visual impact of the development from the garden of "Glenshee" and from Torquay Road.

8.110. In conclusion, the southwest elevation of the extended house would present as a new two-storey horizontal building line (approximately 14m in length) to the rear of the protected structure along its northern property boundary exhibiting a modulated wall above the shared boundary with limited obscure glazed fenestration.

8.111. On balance, I conclude that the infill two-storey flat roof profile extended house would not have a significant adverse impact on the setting of "Glenshee".

Foxrock Architectural Conservation Area (ACA)

8.112. Policy HER 13 (Architectural Conservation Areas) *inter alia* states to 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.

8.113. The proposed development is not located within the Architectural Conservation area. However, it would be visible from Torquay Road above the front property boundary of "Glenshee" in the gap between the east gable of the protected structure and the front boundary planting in the grounds of "Foxrock Villa".

8.114. The uninterrupted roof plane of the existing pitched roof at "Curraheen" to the rear of "Glenshee" is the background view presently.

8.115. The grounds of "Glenshee" are open with limited screening. Notwithstanding that my site visit was conducted in winter when there is a dearth of vegetation, I note on the day of my site visit that there is minimal screening between "Glenshee" and "Curraheen" along the shared property boundary. This is confirmed by the existing tree survey.

8.116. I consider that the proposed development would introduce a significant change in context to the setting of "Glenshee", as view from Torquay Road. The 'pitched roof' background would be replaced by a two-storey building to the rear of "Glenshee", which would be visible from "Glenshee" and from Torquay Road above the front boundary wall of "Glenshee".

- 8.117. I acknowledge that redevelopment in the vicinity is redefining the character of the receiving environment and the wider conservation area as detailed in the applicant response.
- 8.118. On balance I do not consider that the proposed development would have a significant adverse impact on the overall conservation area other than the localised impact from the introduction of a two-storey building line to the rear of "Glenshee", as viewed from Torquay Road.
- 8.119. I conclude that there would be a marginal change in overall context, within an evolving built environment dynamic, on the northern boundary of the Foxrock Conservation Area (ACA) resulting from the proposed development.

Trees

- 8.120. The applicant has submitted 'An Arboriculture Assessment of the Tree Vegetation on Site Area at "Curraheen".' I have reviewed the "Arboriculture Method Statement and Tree Protection Strategy". The proposed development would result in the loss of 8 of the 17 mature trees on site.
- 8.121. The tree removal is concentrated along the driveway to facilitate the upgrade of services. 5 of the trees to be removed are designated "u", which indicates a limited lifespan not exceeded 10 years. The trees to be lost will be replaced by new planting.
- 8.122. I note no significant removals along the southwestern shared property boundary with "Glenshee". However, there will be limited vegetation removal along the north-eastern boundary with "Brentwood".
- 8.123. I conclude that the recommendation of the Arboriculture Assessment (Section 6.0 / Stage 1-3 pre-construction to post-construction) in combination with the tree planting augmentation, Richard Fanning Designs landscaping proposals, would protect and enhance the existing mature planted context on site.

Other matters

- 8.124. The appellant has highlighted a number of inconsistencies in the submitted documentation. I note these inconsistencies include the stated floor area of the existing house on site on the application form.

8.125. I consider that the documentation provided by the applicant, as clarified by further information response, adequately details the development proposal, as evidenced in the content of the submitted appeal statement.

9.0 **AA Screening**

I have considered the proposed development in-light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located within an established suburban area and is not immediate to a European Site. The proposed development comprises an extension of an existing building.

No significant nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site given the small-scale nature of the development.

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Water Framework Directive**

10.1. The site is located in a mature city location. It is not proximate to a visible watercourse.

The proposed development comprises the refurbishment and extension of an existing building.

No water deterioration concerns were raised in the planning appeal.

I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where

necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is the small scale and nature of the development.

10.2. I conclude based on objective information, the proposed development will not result in a risk of deterioration of any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend grant of planning permission subject to condition for the reasons and considerations outlined below.

12.0 Reasons and Considerations

Having regard to the Objective 'A' zoning objective, the pattern of development in the area characterised by substantial detached house on large plots punctuated by infill house development, and the policy framework provided by the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the proposed development, subject to compliance with the attached conditions, would provide a reasonable level of accommodation on site, would not have an adverse impact on the visual and residential amenities of adjoining properties, including the amenity and setting of the adjoining protected structure known as "Glenshee", would comply with Section 4.3.1.2 (Existing House Stock Adaptation), and Section 12.3.7.1 (Extensions), and Policy HER13 (Architectural Conservation Areas) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by further information submitted on the 01/09/25, 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. Details of the external finishes of the proposed development shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development.

Reason: In the interests of visual amenity.

3. The site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the 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 interests of sustainable drainage.

5. 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. The contribution shall be paid prior to the 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 Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



Anthony Abbott King
Planning Inspector

05 December 2025

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500075-DR
Proposed Development Summary	Refurbishment and extension of existing house.
Development Address	"Curraheen" Golf Lane, Torquay Road, Foxrock.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold N/A
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold N/A

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: A. [Signature]

Date: 05 DEC 2015