



An
Coimisiún
Pleanála

Inspector's Report

PL-500714-DR-26

Development	Construction of four detached houses with associated works.
Location	Carrigmore, Golf Lane, Torquay Road, Foxrock, Dublin 18, D18F2Y8 (ACA)
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0841/WEB
Applicant(s)	The O'Leary Family Partnership
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	The O'Leary Family Partnership
Observer(s)	None
Date of Site Inspection	5 th May 2026
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is situated adjacent to the junction of Torquay Road and Golf Lane, Foxrock, Dublin 18.
- 1.2. The subject site is 0.304 ha in size and shares its access, off Golf Lane, with Carrigmore, situated on the adjoining site to the immediate north. Carrigmore is a two-storey, detached house. The appeal site and Carrigmore once formed a single site and is now subdivided into two separate sites.
- 1.3. Golf Lane also provides access to Foxrock Golf Club.
- 1.4. There is extensive tree and vegetation cover on the appeal site which screens the site from public view. The site boundaries consist of maintained mature hedgerows. The site is generally flat with no significant differences in level throughout.
- 1.5. Mandeville House, two-storey in height, is a protected structure situated on the neighbouring site to the east of the appeal site.
- 1.6. The surrounding area is characterised by large, detached houses on generous sized sites, with extensive landscaping screening them from public view. The site is located within the Foxrock Architectural Conservation Area (ACA).

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of 4 no. detached dwellings, comprising of 3 no. 2 ½ storey houses (House Type B) and 1 no. 2 storey dwelling (House Type A).
- 2.2. House Type A has a floor area of approximately 339 sq. metres. The House Type B houses have a floor area of approximately 315 sq. metres.
- 2.3. All 4 no. houses are served with generous private open space provision, mainly in the form of rear gardens, and 2 no. car parking spaces per house. The proposed development also includes public open space provision amounting to 563 sq. metres, i.e. 18.4% of the overall site area.
- 2.4. The development includes the retention of a collection of established mature trees on the site, mainly situated on the proposed public open space, and also within the rear gardens of the House Type B dwellings.

- 2.5. The vehicular access to serve the proposed development is off Golf Lane, situated approximately 34 metres from the junction with Torquay Road.
- 2.6. The proposed development will be served by public mains for wastewater and water supply.
- 2.7. The application is accompanied by the following documentation:
- Design Statement
 - Arboricultural Report
 - Architectural Heritage Impact Assessment
 - Engineering Planning Report
 - Outline Construction Management Plan
 - Site-Specific Flood Risk Assessment
 - Appropriate Assessment Screening Report
- 2.8. The first party appeal submission includes the following proposed minor amendments to the development.
- Omission of 2 visitor car parking spaces (8 proposed spaces serving 4 houses).
 - Minor reduction in width of internal access road.
 - Minor adjustment to FFL for houses no. 2 to no. 4 from 76.35m AOD to 76.40m AOD.
 - Reduction in ridge height of House Type B, by 1 m, from 9.99m to 8.99m, above adjacent ground level.
 - Setback of rear garden boundaries from site boundary on Torquay Road by 2m.

3.0 Planning Authority Decision

- 3.1. The Planning Authority decided to **refuse** permission for the following reason.
1. It is considered that the density of the proposed development, at c.16 units per hectare, is too low having regard to the size and development potential of the

subject site with a residential (Objective 'A') zoning objective, noting the constraints in relation to Foxrock ACA and tree protection, where a minimum density of 35 units per hectare would be expected. Therefore, the proposed development is not compliant with the general requirements of Section 4.3.1 and Policy Objective PHP18 of the County Development Plan 2022–2028. Densities proposed are also not in accordance with the criteria set out in the Sustainable Residential Development and Compact Settlements Guidelines (2024). The development, if granted permission, would comprise an inefficient and unsustainable use of the land and would fail to contribute to national objectives regarding compact growth. The proposed development would also set an undesirable and negative precedent for similar low-density development in the local area and the wider County and would not be in accordance with the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.3. The Planning Officer's report dated 7th of January 2026, notes the following.

- Residential development is permitted in principle under the zoning objective of the site.
- In relation to climate action there are no concerns given that the new houses will meet energy standards. SuDs condition to be attached for a grant of permission.

Site Layout and Design

- The rear gardens of proposed House Type B include mature trees and face onto Torquay Road, overhanging private ownership which could eventually lead to trees been felled and removed.
- Their removal would be contrary to CDP policy objective OSR7.
- The trees form an important part of the Foxrock ACA and Section 12.11.3 (ACA) of the CDP is relevant.
- The mature trees on the site contribute significantly to the sylvan character of the ACA.

- The Conservation Officer and the Parks Department recommend that the site layout is redesigned to protect these important trees and the character of the ACA.
- There are concerns with the proposed layout given the sensitive context.
- The proposed height of house type B (9.9m) will exceed the height of neighbouring house Mandeville (8.2m) and other neighbouring houses on Torquay Road.
- The increased height would negatively impact on visual impact and the character of the ACA.
- The proposed layout would not comply with Section 12.11.4 'New Development within an ACA' of the CDP. This provision requires proposals to be sympathetic in scale and character to the established character.
- The proposed residential density of 16 units per hectare is significantly below the local and national density policy.
- Section 4.3.1 of the CDP requires a minimum residential density of 35 units per hectare.
- Policy Objective PHP18 of the CDP also encourages higher density.
- The Sustainable Residential Development and Compact Settlement Guidelines (2024) place a strong emphasis on sustainable densification of existing built-up areas to achieve national compact growth.
- In accordance with the Guidelines the site falls within the Suburban/Urban Extension category where densities of 40 UPH to 80 UPH are anticipated, given proximity to high quality public transportation.
- The site is located 1.6 km walking distance from the N11 QBC and 1.6 km from the Sandyford Luas stop.
- The constraints of the Foxrock ACA, where heritage concerns may exist, do not justify such a substantial reduction in density.
- The site is neither so small nor such a constraint to preclude higher density.

- The size of the site is sufficient scale to achieve a higher density while respecting the ACA context.

Precedent and Planning History

- The planning history on the site demonstrates that higher densities have been previously considered appropriate. In the case PA Ref. D19A/0190 an apartment development of 54 UPH was considered acceptable but refused permission on infrastructure constraints.
- In PA Ref. 24A/0226/WEB a density of 10 UPH was proposed but was considered wholly unacceptable and it was concluded that a grant of permission would comprise of an inefficient use of land.
- A marginal increase in density would not address the above concerns.

Standard of Accommodation

- The proposed development adheres to the Design Manual for Quality Housing, 2025.

Impacts on Residential and Visual Amenity

- Concerns raised in relation to proximity of House Type B to eastern boundary and protection of adjoining amenities.
- DLR Parks Department raise concerns in relation to protection of mature trees that face onto Torquay Road, which contribute to green infrastructure and the sylvan character of the ACA.
- House Type B is considered visually overbearing, and will have an adverse effect on Mandeville, a protected structure. Contrary to Policy HER 13 of the CDP.

Open Space, Trees and Landscaping

- The minimum public open space requirements in accordance with s. 12.8.3.1 of the CDP are met.
- The space is poorly integrated and largely inaccessible, and mainly under tree cover. The qualitative standard is not deemed to be met. Parks Dept. raised concerns with integration and accessibility of space.

- FI might address the issue but not the substantive which is density.

Access, Parking and Density

- Transportation Dept. seeks FI in relation to car parking, DMURS compliance, access splay and compliance with s. 12.4.1 (electric vehicles) of the CDP.

Other Issues

- Drainage Division request FI in respect of drainage calculations, SuDs, overland flow routes, location of attenuation system, and flood risk assessment.
- Drainage and diversion of existing waterways should be carefully considered.
- An ecosystem has developed on the site and should be correctly assessed.
- No objections, subject to conditions, from Environmental Health Office and Construction and Environmental Health.
- No concerns regarding the Part V exemption.
- A revised application should consider more efficient layout, higher density, public open space integration and accessibility, complimentary to ACA character and enhance the visual and residential amenities, and improved qualitative standards for the public open space.

3.3.1. Other Technical Reports

- **Drainage Planning:** Further information sought in relation to (a) calculations for drainage, as the applicant should note that QBAR should be calculated using the NET area drained not the GROSS area of the site (i.e. red line boundary); any landscaped areas that will not contribute to the surface water system should be excluded from discharge and attenuation volume calculations, (b) ensure consistency between the Engineer's Report and the MicroDrainage analysis in respect of Cv values, (c) submit a drawing identifying and showing details of safe overland flow routes both within and without the site, (d) review the location of the proposed system and justify its location under the access road, (e) confirmation that trees will not be planted above the soakpits, and (f) the following items in the site specific flood risk assessment should be clarified.

- submit a revised drawing that overlays the flood extents with the proposed development layout,
 - ensure that the boundary wall within the development is designed and constructed so that it does not alter or obstruct any existing flood flow paths.
 - demonstrate within the drainage report that an appropriate freeboard has been provided above the design flood level for all proposed finished floor levels.
 - The applicant should demonstrate that any potential raising of levels within the site does not increase the potential risk of flooding on third party lands.
- **Environmental Enforcement:** Development acceptable subject to the following conditions (a) implement development in accordance with submitted outline construction environmental management plan, (b) resource and waste management plan to be agreed with PA, (c) public liaison plan, and (d) pest control plan.
 - **Environmental Health Office:** Development acceptable subject to the following conditions (a) submitted outline construction environmental management plan agreed with PA, (b) measures to reduce noise impacts, (c) hours of operation for construction works, (d) resource and waste management plan to be agreed with PA, and (e) public liaison plan.
 - **Parks Dept.:** Recommend revised site layout redesign to retain the character of the existing mature trees along the Torquay Road and avoid their inevitable removal from the proposed rear gardens of the three dwellings on the western side of the site. The trees are an important feature in preserving the green-lined character of Torquay Road, which lies within an Architectural Conservation Area, and their removal will result in substantial ecological disruption, resulting in compromises to biodiversity and lead to habitat loss in Foxrock. FI requested for (a) revise site layout, (b) submit new comprehensive landscape plans. Should permission be granted the following conditions are recommended, (a) Implementation of Arboricultural Plans (b) Retention of an Arboriculturist, (c) Tree bond, (d) Implementation of Landscape plans, and (e) Retention of landscape architect
 - **Transportation Planning:** Further information sought in relation to the following. (a) address proposed car parking provision which exceeds minimum requirements,

(b) address the width of shared access road which is excessive, (c) DMURS compliance for the proposed shared access road, (d) details of a continuous footpath or ramped pedestrian crossing along Golf Lane, across the proposed access junction, and (e) Compliance with Section 12.4.11 Electrically Operated Vehicles of the CDP.

- **Conservation Office:** The Planner's Report notes a phone call with the CO advising no objections subject to revised layout as recommended by Parks.

3.4. Prescribed Bodies

- **Uisce Éireann:** The applicant is requested to submit, as part of the Further Information response, an up-to-date Confirmation of Feasibility report. The proposed development is located in an area of known capacity issues, and the submitted COF is therefore 7 months out of date.

3.5. Third Party Observations

3.5.1. The PA received 1 no. observation to the application and the issues raised are summarized as follows:

- Proposal is consistent with ACA guidance, and the provision of public open space with retention of mature trees is positive.
- Proposal will not adversely affect the character of the streetscape.
- The retention of boundary hedging instead of a new boundary wall contributes to the sylvan character of the area.
- The design, scale and mass of the proposed houses is in keeping with the character of the area.
- Notwithstanding the above additional information should be requested addressing the following.
 - The northwest hedge and the entire southwest boundary wall need clarification, including the low-lying granite wall to the front of Mandeville and a more significant boundary to the rear of Mandeville. This is relevant given the proximity of house no. 1 and house no. 2 to the existing boundary walls. Condition

- A group of Monterey Cypress, centred around tree identified 0435, in the Arborist assessment would need to be removed to safeguard against damage to existing property.
- The proximity of house no. 1 and no. 2 to the boundary of Mandeville, a protected structure will adversely impact the privacy and positioning of this property. No issue
- The height of houses no. 1, no. 2 and no. 3, at 9.9m will have adverse effects on Mandeville, with a height of 8.2m, and neighbouring houses include Glenavy, on the north-eastern side of Torquay Road. Amended
- The proposal with rear gardens facing onto Torquay Road will break established building lines of Mandeville and Glenavy, and several protected structures on Torquay Road. No issue

4.0 Planning History

4.1. On site

- D25A/509/WEB

Permission **granted** by DLRCC for renovation and two-storey part single storey extension to the existing 2-storey detached house, Carrigmore.

- D24A/0206/WEB

Permission **refused** by DLRCC for demolition of existing house and the construction of 4 no. two-storey dwellings. Permission refused as the proposed density of 10 UPH considered too low having regard to Objective PHP 18 of the CDP and the Compact Settlement Guidelines.

- ABP-304644 (L.A. Ref. 19A/0190)

On appeal, the Board **refused** permission for the construction of 20 no. apartments for the following reasons.

1. The proposed development would be premature by reason of an existing deficiency in the provision of sewerage facilities, pending the upgrade of the existing Irish Water foul drainage network 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.

- ABP-PL06D.248513 (L.A. Ref. 17A/0160)

On appeal, the Board **refused** permission for the construction of 8 no. three-storey semi-detached dwellings for the following reasons.

1. The proposed development by reason of its design, form, and layout, which includes the removal of a significant number of trees and development in close proximity to Torquay Road, would have a disproportionate and visually obtrusive impact on the character of the Foxrock Architectural Conservation Area and the setting of the adjacent Protected Structure to the south-east. The proposal would be contrary to Objective AR12 of the Dún Laoghaire-Rathdown County Development Plan 2016- 2022 and would seriously injure the visual amenities of the area. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. National / Regional Policy

5.1.1. The National Planning Framework – First Revision (April 2025)

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 12 (high quality urban places), NPO 22 (standards based on performance criteria), and NPO 45 (increased density).

5.1.2. Eastern Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 – 2030

This RSES provides a high-level development framework for the Eastern Region that supports the implementation of the National Planning Framework (NPF). The vision of the RSES is to create a sustainable competitive region that supports the health and well-being of people and places, with access to quality housing, travel and employment opportunities for all.

The following objectives are relevant.

- RPO 3.2 and RPO 3.3 seek to promote compact urban growth through development plan core strategies setting targets (at least 50% of new homes) within or contiguous to built-up areas and identifying regeneration areas (infill/brownfield) in line with ministerial housing guideline.
- RPO 4.3: Consolidation and Re-Intensification - Support the consolidation and re intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

5.1.3. Section 28 Ministerial Planning Guidelines

The relevant guidelines for the proposed residential development is as follows:

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. Applicable policy for the proposed development includes:
 - Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.

Density

The applicable density for suburbs in Dublin is contained in Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs.

City - Suburban/Urban Extension: Suburban areas are the lower density car orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork.

Section 3.3.6 provides for exceptions : In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.

5.1.4. Section 4 provides guidance on refining density by reference to accessibility, character amenity and natural environment.

5.2. **Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028,**

5.2.1. The appeal site is zoned 'Objective A' and the stated objective for such land use is *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*.

5.2.2. Chapter 4 – Neighbourhood – People, Homes and Place

5.2.3. The following policies are relevant to the proposed development;

- Policy Objective PHP18: Residential Density
 - Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.
 - Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.
- Policy Objective PHP20: Protection of Existing Residential Amenity
- Policy Objective PHP27: Housing Mix
- Policy Objective PHP30: Housing for All
- Policy Objective PHP42 Building Design & Height

5.2.4. Chapter 9 – Open Space, Parks and Recreation

The following policy is relevant to the proposed development;

- Policy Objective OSR7 – Trees, Woodland and Forestry
 - It is a Policy Objective to implement the objectives and policies of the Tree Policy and the forthcoming Tree Strategy for the County, to ensure that the tree cover in the County is managed, and developed to optimise the environmental, climatic and educational benefits, which derive from an ‘urban forest’, and include a holistic ‘urban forestry’ approach.

5.2.5. Chapter 11 – Heritage and Conservation

The following policy is relevant to the proposed development

- Policy Objective HER13: Architectural Conservation Areas

5.2.6. Chapter 12 – Development Management

5.2.7. Section 12.3.1 ‘Quality Design’ advises that a core aim of land-use planning is to ensure that new residential developments offer a high-quality living environment for residents, both in terms of the standard of individual dwelling units and in terms of the overall layout and appearance of streets and outdoor spaces.

5.2.8. Section 12.3.1.1 ‘Design Criteria’ advises that an objective of the Plan is to achieve high standards of design and layout to create liveable neighbourhoods. The following is relevant criteria for the proposed development.

- Land use zoning and specific objectives
- Density - Higher densities should be provided in appropriate locations.
- Site configuration, open space requirements and the characteristics of the area will have an impact on the density levels achievable.
- Quality of the proposed layout and elevations, layouts, elevations, and plan form must be designed to emphasise a ‘sense of place’ and community, utilising existing site features, tree coverage and an appropriate landscape structure.

- Levels of privacy and amenity, consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices.
- Quality of linkage and walking and cycling permeability – to adjacent neighbourhoods and facilities
- Accessibility and traffic safety
- Quantitative standards
- Safety and positive edges to the public realm - opportunities for crime should be minimised by ensuring that public open spaces are passively overlooked by housing and appropriate boundary treatments applied.
- Quality of proposed public, private, and communal open spaces and recreational facilities
- Quality of the pre-existing environmental sound environment.
- Context
- Variety of house types and unit size.
- Roofscape, plant and green roofs.

The following is relevant to the proposed development.

- Section 12.4 – Transport
 - The appeal site is located within Parking Zone 3. Table 12.5 ‘Car Parking Zones and Standards’ sets out the car parking requirements by development type.
 - Section 12.4.5.2 advises that the PA may consider that no car parking spaces are required for small infill residential schemes (up to 0.25 ha) or brownfield/refurbishment residential schemes in zones 1 and 2.
 - s. 12.4.5.2 (i) includes ‘Assessment Criteria’ for deviation for car parking standards.
- Section 12.11.3 Architectural Conservation Areas
- Section 12.11.4 New Development within an ACA
- Section 12.8 Open Space and Recreation

5.3. **Proposed Variation no. 1 to the Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028.**

- 5.3.1. On April 21st, 2026, the Elected Members agreed, by resolution, to make the proposed variation no. 1 with material alterations. The Planning Authority is now determining if a strategic environmental assessment (SEA) and/or an appropriate assessment (AA) is required to be carried out for the Material Alterations.
- 5.3.2. The Variation no.1 is proposed to partly respond to the recent changes introduced by the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024).

5.4. **Natural Heritage Designations**

- Rockabill to Dalkey Island SAC (Site Code 003000) - 6.4 km east
- Dalkey Islands SPA (Site Code 004172) – 6.2 km east
- Dalkey Coastal Zone and Killiney Hill pNHA (Site Code 001206) - 6.2 km east
- South Dublin Bay SAC (Site Code 000210) - 3.8 km north
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) - 3.35 km northwest
- Fitzsimon's Wood pNHA (Site Code 001753) - 3 km west

6.0 **EIA Screening**

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 **The Appeal**

- 7.1. The grounds of the appeal may be summarised as follows.

Introduction

- Higher density duplex and apartment typologies are not appropriate on the site having regard to site constraints and context, including
 - Compliance with national and CDP policy in respect of infill sites, particularly smaller sites in sensitive contexts, such as ACA's.
 - Optimising the site's natural assets at the corner of Torquay Road and Golf Lane.
 - Responding to established site constraints including mature trees and ground conditions, such as depth of bedrock and water table.
 - Protection of adjoining residential amenities and provision of high level of residential amenities for future occupants.
 - Protection of the setting of Mandeville House, a protected structure, and the original house on the site, Carrigmore.
 - Commercial viability and construction feasibility.

Compliance with National and County Policy on Density

- The Delivering Homes, Building Communities (Housing Plan) notes that Local Authorities must take a proactive approach to ensuring planning permissions are activated.
- NPOs 42 and NPO 43 of NPF seeks increased housing delivery.
- NPO 45 of the NPF seeks to increase residential density.
- Section 4.5 of the NPF acknowledges challenges of infill sites advocating that planning policies need to be flexible.
- The proposal provides for a significant increase in the local residential density while responding to site context and setting.
- The PA Planners Report identifies the site within the category 'Suburban/Urban Extension, as defined in the Compact Settlement Guidelines, with densities in the range of 40 UPH to 80 UPH recommended.
- Section 3.3.6 of the Compact Settlement Guidelines recommend that smaller sensitive infill sites may need to respond to scale and form of surrounding development which can take precedence over recommended densities.

- Section 3.4.2 of the Guidelines recommend that new development should respond to receiving environment in a positive way and not result in significant negative impact on character, amenity or natural environment.
- The above guidance is particularly relevant to the subject site noting the low-rise sylvan character of the site, the Foxrock ACA, the proximity and relationship of established residential development, and the need to balance protection of mature trees that are protected in the Development Plan.
- The proposed layout and design would respond positively to the natural amenities of the site.
- Absolute compliance with the general range density standard is not necessary.
- This approach is consistent with the NPF which advocates a more flexible approach.
- The proposal complies with Policy Objective PHP18 'Residential Density' of the CDP on the basis of,
 - a. provides new homes in an underutilised site,
 - b. provides protection of existing residential amenities and established character of the area.
- CDP recommends a density of 35 UPH for infill sites but notes that this density may not be appropriate in all instances, particularly in relation to greenfield sites or larger 'A' zoned areas.
- Section 2.6.2.1 of the CDP acknowledges delivery of infill sites can be more challenging than greenfield sites.
- Section 4.3.1 of the CDP recognises that higher residential densities maybe constrained in ACA's, which is consistent with the Compact Settlement Guidelines (Policy Objective 3.1).
- The proposed development achieves a density of 16 UPH which is consistent with Guidelines and CDP and responds appropriately to local site constraints such as the Foxrock ACA, mature trees and the adjacent protected structure.

- The proposed development provides a high level of residential standard, protects established amenities, achieves a significant increase in density, the release of infill site and is consistent with Policy Objective PHP18.

Site Context and Protection of Neighbouring Amenities

- The established area has mature landscaping and a sylvan character.
- The site is located within an ACA, and adjoins sites characterized by larger plots and detached dwellings.
- The proposal respects the ACA and protects neighbouring residential amenities and the setting of the protected structure to the southeast.
- The design is respectful to the amenities of Mandeville (southeast) and Carrigmore (northwest).
- A two-storey house is proposed on the site between Mandeville and Carrigmore, ensuring reduced building height, minimising potential overlooking and mitigating any visual overbearing.
- The 3no. 2 ½ storey dwellings are located along the boundary with Torquay Road, reducing impact on any established residential amenities.
- The appeal provides for a reduction in ridge height from 9.99m to 8.99m to reduce any perceived impacts.
- The proposed design approach is fully compliant with Section 4.3.1 of the CDP which requires balance in achieving higher residential density and protection of existing amenities.
- The protection of mature trees on the site on the boundary of Torquay Road and Golf Road enhance the screening and the protection of the sylvan character, consistent with the objectives of the ACA.
- A comprehensive tree protection plan has been prepared to ensure no damage to the trees to be retained.
- A condition would be welcome to ensure the protection of trees during the construction process as part of the landscape plan.

- Accordingly, the proposed density is acceptable and appropriate given the surrounding properties and the character of the Foxrock ACA.

Informed by Planning History

- The PA Planner's Report refers to history case ref. D19A/0190 to demonstrate higher densities are achievable. 54 UPH was proposed and this application was refused on infrastructure grounds.
- Case ref. D19A/0190 related to a larger site and included the original house Carrigmore. Carrigmore now lies outside the ownership of the applicant.
- The Conservation Office in relation to Case ref. D19A/0190 raised issues in relation to bulk, mass and scale of development relative to the Foxrock ACA.
- The PA Planner's Report noted that FI would be required to address concerns in relation to building lines, addressing bulk and mass of the southern portion of the building and issues in relation to separation distances.
- There was considerable local opposition in the proposal in case ref. D19A/0190, with 51 objections primarily raising issues in relation to ACA and surrounding residential amenity.
- Given the level of local opposition, an apartment development on the site is not in the interest of proper planning and sustainable development of the area.
- As such the density sought in case ref. D19A/0190 is not indicative of the density achievable on the site.
- History case ref. D24A/0206/WEB which proposed 10 UPH, was considered unacceptable, and the PA's Planner's Report identified site constraints in relation to the ACA and tree preservation.
- By way of precedent, DLRCC granted permission for 13 UPH on lands comprising the opposite corner of Torquay Road and Golf Lane. The Planners Report concluded that this density was acceptable.
- In the context of the above the proposed density is acceptable given site constraints and the objectives to provide new homes on infill sites.

Feasibility of a Higher Density of Development

- It is contended that higher density apartment development is not feasible on the site owing to particular site context and constraints.

Ground Conditions

- An accompanying Engineering Report (Appendix B) confirms that bedrock was encountered at very shallow depths, approximately between 0.75m and 1.0m below ground level.
- The Report also highlights high groundwater table levels.
- The construction of any basement on the site would necessitate extensive rock-breaking and groundwater management measures, which would render an apartment development commercially unviable.

Tree Protection and Retention

- The DLRCC Parks and Landscape Report and the PA's refusal reason fails to have regard to the applicant's Tree Survey.
- The Tree Survey identifies the majority of trees along the boundary with Torquay Road classified as category 'U', due to their physiological and/or structural conditions are recommended for removal.
- The proposed layout facilitates the retention of the more important trees at the southwest corner of the site.
- The Landscape response (Appendix E) notes that in relation to the Torquay Road boundary that 9 trees are proposed for removal, and 7 of these trees are ash trees with ash dieback, and two are low value sycamores. Further trees are proposed for removal due to proximity to the new dwellings.
- The PA's concern is the removal of trees in proposed rear gardens to increase garden size and enhance light. In response to these concerns the layout is amended to involve the setting back of the garden boundary by approximately 2m along the Torquay Road frontage.
- A strip of land, based on this layout amendment, forms a public open space, and places the mature trees outside of private ownership, eliminating the risk of removal by private individuals.

- The Landscape Report (Appendix E) identifies a precedent for such boundary arrangement on Torquay Road.
- The proposed measures are adequate to ensure appropriate protection and retention of remaining trees.
- The proposal amounts to approximately 18.4% of the site area comprising of public open space. This is necessary to protect the sylvan character of the Foxrock ACA.
- The proposed design approach will provide for improved tree protection compared to the suggested amendments in the DLRCC Parks and Landscape Report.
- The proposed design approach can be supplemented by hedgerow planting and agreed by condition.
- The alternative layout presented in the DLRCC Parks and Landscape Services (PLS) Report fails to adequately protect the residential amenities of Mandeville House to the south.
- The applicant's Project Architect concludes that the PLS revised layout would have significant impact on Mandeville, as all four structures are orientated towards Mandeville, and would be contrary to maintaining the character of the ACA.

Site Planning History

- In the history case D19A/0190 the DLRCC Conservation Officer raised concerns in relation to bulk and mass, and further information was requested to address same.
- The response to this FI would have inevitably resulted in a reduction in density achievable on the site.
- The sensitivity of the site to increase height, noted in the PA Planner's Report, as the ridge height of House Type B exceeds Mandeville House, would limit the scope for increased density on the site.

Other Matters Raised in the Planner's Report

- A number of matters raised in the Planners Report could have been addressed by a further information request.
- In response to Transportation Department, visitor car parking is now omitted, and total number of car parking spaces is now reduced to 8. The width of the internal access road has been reduced, and a footpath is provided across the site entrance, on Golf Lane, and the necessary visibility splays are provided. Each dwelling will include an electric charging station.
- In respect of items raised by the Drainage Division updated drainage calculations are provided and additional details provided in relation to overland flow routes.
- The Engineering Report also confirms that given the requirement to retain trees there is no option but to locate the underground storage facilities under the carriageway.
- No trees will be planted within 2m of an underground attenuation facility.
- The submitted Engineering Report concludes that any displacement due to the proposal will result in an increase in the predicted flood level of 10mm and this increase will have no impact on lands outside the site.
- The lowest FFL of 76.35m AOD provides a freeboard of 500mm above maximum predicted pluvial flood level.
- The applicant is prepared to increase to 76.40m AOD, for a greater level of freeboard, if required.
- It is also proposed to reduce the height of House Types B by 1m from 9.99m to 8.99m to address the PA's Planners Report in relation to height concerns.
- It is proposed to set back the boundaries of rear gardens of proposed House Type B from the boundary with Torquay Road by 2m to protect the trees from removal.
- In summary the following minor amendments are proposed in the appeal submission.
 - Omission of 2 visitor car parking spaces (8 spaces proposed serving 4 houses).

- Minor reduction in width of internal access road.
- Minor adjustment to FFL for houses no. 2 to no. 4 from 76.35m AOD to 76.40m AOD.
- Reduction in ridge height of House Type B, by 1 m, from 9.99m to 8.99m, above adjacent ground level.
- Setback of rear garden boundaries from site boundary on Torquay Road by 2m.

Appeal Conclusion

- Both CDP and the Guidelines (2024) allow for flexibility in density.
- The proposal is consistent with Policy PHP18 of the CDP and Table 3.1 of the Guidelines (2024).
- The minimum densities on the site are not achievable having regard to the location of the site within the Foxrock ACA, mature trees on site, need to protect adjoining amenities and ground conditions.
- Should the Commission refuse permission on the basis that the development cannot achieve a minimum of 35 uph, it may sterilise the site.
- The proposal is a significant increase in density and facilitates the release of underutilised land.
- The proposal represents a sustainable use of the site addressing the unique challenges of the site.
- Issues raised in the PA Planner's Report, in respect of Drainage and Transportation can be addressed by condition.
- The appeal includes a minor amendment to the proposal which addresses concerns by the Parks and Landscape Services in relation to site layout. This amendment can be agreed by condition.
- The Commission is requested to grant planning permission.

7.2. **Planning Authority Response**

- 7.2.1. The PA response (dated 2nd March 2026) refer the Board to the previous planner's report and considers that the appeal did not raise any new matter which would justify a change of attitude to the proposed development.

7.3. **Observations**

- None

8.0 **Assessment**

Having 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 local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows.

- Principle of Development
- Residential Density
- Other Matters

8.1. Principle of Development

- 8.1.1. The proposed development is located in an area zoned for residential. The principle of development is therefore acceptable, subject to the detailed considerations below.

8.2. Residential Density

- 8.2.1. The proposed development provides for 4 no. detached houses on a site that measures approximately 0.304 ha. The Compact Settlement Guidelines, 2024, (The Guidelines (2024)) recommend that densities are calculated on a net basis, and I have calculated a net density of 16 UPH based on the developable site (0.25 ha) for the proposed development. The Guidelines (2024) recommend a residential density

in the range of 40 dph to 80dph (net) shall be applied to sites in the suburban/urban extension of the Dublin MASP.

- 8.2.2. Therefore, the proposed residential density would be significantly below that recommended in the Guidelines (2024). Furthermore, section 4.3.1 of the CDP recommends that the minimum default density for new residential developments in the county shall be 35 units per hectare.
- 8.2.3. Notwithstanding the above recommended density standards, I would acknowledge the Guidelines (2024) allow for exceptions to the recommended density standards and I also note that the appellant makes the case that the subject site would qualify for an exception. Specifically, I would note paragraph 3.3.6 of the Guidelines (2024) which relates to very small infill sites where there is a need to respond to the scale and form of the surrounding development to protect adjoining amenities. Paragraph 3.4.2 of the Guidelines (2024) also allows for flexibility where it is recommended that new development should integrate successfully into the receiving environment and should not result in a significant negative impact on character, amenity or the natural environment.
- 8.2.4. The CDP also acknowledges that there are constraints to achieving higher density, in particular in Architectural Conservation Area's (ACA's), which is relevant to the appeal site, given its location within the Foxrock ACA. In order to enhance the setting of ACA's, the CDP advises that new developments will be required to minimise any adverse effect in terms of height, scale, massing and proximity.
- 8.2.5. However, in the first instance I would consider the principle of a higher density to be reasonable having regard to the location of the site in a suburban area that is serviced but characteristically low density and car oriented in its origins yet within an accessible distance to high quality public transportation. The Stillorgan Road Quality Bus Corridor is circa 1.4 km from the site, and the Luas is 1.6 km away, the nearest stop being at Central Park. In such areas classed as 'City- Suburban/Urban Extension' in the Guidelines (2024), as noted above, a density of 40-80dph is generally applicable. A density of 16 dph falls short of the minimum level by a considerable extent. The principle of compact growth and densification of residential areas is also strongly supported by national and regional planning policy objectives, including NPO 7 (compact growth), NPO 9 (compact growth) and NPO 45 (increased

density) of the National Planning Framework, 2025, and Eastern Midland Regional Assembly policy objectives supporting compact growth (RPO 3.2) and infill development (RPO 3.3).

8.2.6. Notwithstanding the shortcomings in the proposed density the appellant makes the case that there are site constraints in the immediate environs, and on a site of this size, and that the proposed density is appropriate to the context of the site. The appellant submits that the proposal appropriately protects the amenities or surrounding properties and protects the character of the Foxrock ACA, and the density is informed by planning history of the site, and further that extensive ground works to facilitate larger scale development are unviable on the site. I will consider each of these arguments in turn below to determine if any of these points would constrain the appeal site to a degree that a density compliant with the Guidelines (2024) and the CDP could not be achieved.

8.2.7. Architectural Conservation / Retention of Trees

8.2.8. Landscape Character of ACA

The appeal site is located within the Foxrock ACA, and a key landscape feature of Torquay Road, which adjoins the appeal site, is the sylvan character. I would note the following from the Foxrock ACA, which summarises the Landscape Character of the ACA.

The overall visual character of the area is sylvan in nature characterised by low density residential development with well enclosed road corridors which are almost rural in character. The well-defined road edges are enclosed by mature planting and property boundaries which generally consist of a limited palette of natural materials including granite walls, timber and metal fencing and gates or hedging.

8.2.9. I noted from my site assessment that the pattern of development, adjacent to the appeal site, is that of large, detached houses on generous sized sites, with extensive landscaping screening them from public view. The appeal site contains a large number of mature trees throughout the site which positively contributes to this sylvan character of the area. I would therefore consider, having regard to the Foxrock ACA

landscape character assessment and also to the established pattern of development in the area that the special interest of the ACA most relevant to the appeal site, is that of the sylvan character, more so than the built heritage. In support of this view, I would note that the DLRCC Conservation Officer has no objections to the proposed development subject to a revised layout as recommended by Parks and Landscape Services.

8.2.10. I note that during the course of the planning application that the DLRCC internal report from Parks and Landscape Services recommended an alternative site layout, to protect mature trees, and that the appellant has included an amendment to the proposed site layout to safeguard these mature trees. I will consider both site layouts and their implications for the Architectural Conservation Area and in turn whether there are constraints in achieving the recommended density for the subject site.

8.2.11. The DLRCC internal report from Parks and Landscape Services (PLS) highlighted concerns with the proposal in relation to the loss of mature trees on the site. The primary concern of the PLS is the proposed location of the three dwellings on the western side of the site, as the associated rear gardens includes several significant trees within the curtilage of these properties. The PLS report states the following;

These trees are an important feature in preserving the green-lined character of Torquay Road, which lies within an Architectural Conservation Area. Once these gardens are transferred to private ownership, it is inevitable that the trees will be removed to allow more light into the properties. The development would result in substantial ecological disruption, as the removal of these mature, well-established trees along Torquay Road would compromise biodiversity and lead to habitat loss in Foxrock.

8.2.12. On the basis of the above the PLS have recommended a revised site layout, that reorientates the layout of the proposed House Type B's so that their rear garden boundaries adjoin the eastern boundary of the appeal site, to retain the character of the existing mature trees along the Torquay Road boundary. I would consider that this recommended proposed layout would protect the key landscape features of the site, which includes the mature trees along the site boundary with Torquay Road, and would therefore be an acceptable layout in protecting the setting of the Foxrock ACA.

8.2.13. I would acknowledge that the appellant submits that the PLS Report and the PA's refusal reason fails to have regard to the applicant's Tree Survey. I have reviewed the submitted Arboricultural Report that supported the planning application, and I would acknowledge that the report provides a tree survey of 72 no. trees on the appeal site and which are categorized as follows;

Tree Category	No. of Trees	Evaluation
Category A	0	High quality/value
Category B	18	Moderate quality/value
Category C	37	Low quality/value
Category U	20	Existing value will be lost in 10 years

8.2.14. The proposed development involves the removal of 43 no. trees on the subject site, and this includes the removal of 20 no. category U trees, 2 no. category B trees and 21 no. category C trees.

8.2.15. I would consider that the retention of all but two Category B trees on the site, which are located within the proposed public open space situated in the northwest corner of the site, would enhance the sylvan character on the site, and in turn the sites contribution to the local landscape character, and therefore is consistent, in my view, with Policy Objective OSR7 of the CDP which aims to protect trees, woodland and forestry.

8.2.16. The proposal also includes the retention of trees along the southwest boundary, adjoining Torquay Road, which would, in my view, enhance the setting of the site, as it retains these mature trees, with the proposed houses set back from the site boundary and their respective rear gardens facing onto this site boundary, and would contribute positively to the landscape setting of Torquay Road, and the Foxrock ACA.

8.2.17. Notwithstanding the retention of these trees, I would accept the concerns noted in the DLRCC PLS report in relation to the future management of these mature trees, given that they will be in private ownership, and potential adverse impacts for the Torquay Road sylvan character, which forms an integral component of the Foxrock ACA.

8.2.18. The appeal submission includes an amendment to the site layout to address the concerns of the PLS. This amendment involves setting back the rear garden boundaries of the proposed House Types B by approximately 2m along the Torquay

Road frontage. This, in my view, is an acceptable approach, as it ensures the protection of these trees which contribute to the sylvan character of Torquay Road, and in turn the ACA.

8.2.19. I would therefore conclude that the recommended site layout by the DLRCC PLS and the applicant's proposed site layout, including the amendment, would be acceptable in terms of protecting the special character of the Foxrock ACA, that pertains to the appeal site.

8.2.20. Built Heritage of ACA

There are no structures on the appeal site, and I note that Carrigmore, to the immediate north of the appeal site is not a protected structure, however Mandeville, a two-storey detached house, situated on the neighbouring site to the immediate southeast is a protected structure.

8.2.21. I do note concerns raised in relation to adverse impacts on Mandeville, on the neighbouring site to the east. However, Mandeville is set back from the shared site boundary, with the appeal site, from approximately 6.5 metres to 8 metres, and having regard to the spacious site in which Mandeville sits, I would not consider that the development as proposed would undermine the architectural heritage of Mandeville. In forming this opinion, I would have regard to the internal consultation of the PA with the Conservation Officer, who reported no objections subject to a revised layout as recommended by Parks and Landscape Services, which is on the basis of landscape and tree protection.

8.2.22. I would also note that the appeal submission provides for a reduction in the ridge heights of the 3 no. dwellings (House Type B) adjacent to Mandeville by 1m, from 9.99m to 8.99m which would mitigate any potential impacts on Mandeville. I would also note that the appeal submission includes a drawing entitled 'Building Line Torquay Road' which demonstrates that the proposed development retains the established building line along Torquay Road, which in my view would protect the built heritage in the immediate environs of the appeal site.

8.2.23. I therefore would conclude that the proposed development would not adversely impact on built heritage.

8.2.24. Conclusion on Architectural Conservation / Retention of Trees

I would consider, on the basis of information available that both proposed site layouts, as proposed by PLS and as proposed by the appellant, including the 2m set back amendment, would be acceptable approaches in retaining the sylvan character of the site and its contribution to the Foxrock ACA, and would not undermine Policy Objective HER13: Architectural Conservation Areas of the CDP.

8.2.25. Overall I would consider that the applicant's proposals including the retention of mature trees along the Torquay Road, the provision of public open space (approximately 18.3% of the site area) where the majority of Category B trees are located, and the amendment to the site layout by revising the rear garden boundary 2m setback from the site boundary with Torquay Road would adequately ensure that the sylvan character of the site is protected, and enhanced, and as such would not undermine the objectives of the Foxrock ACA. Further I would also consider, having regard to above considerations, that the prevailing built heritage on the appeal site or that on any neighbouring site would not be such a constraint that the number of units on the subject site could not exceed that proposed.

8.2.26. I would consider that the development as proposed is respectful of the local character and amenities of the immediate area, however the issue is not so much whether the 4 no. proposed units would be an appropriate density on site, but more so whether a higher density of development, consistent with the provisions of the CDP and the Compact Settlement Guidelines, 2024, could be accommodated on the site, without adversely impacting on the amenities or surrounding properties and protects the character of the Foxrock ACA, and therefore ensuring that the development is more consistent with the density requirements of the CDP and the Guidelines (2024).

8.2.27. I would be of the view, having regard to the applicant's tree survey, the PLS Report and my site assessment that there is an opportunity to relax standards, in whole or part, without compromising proposed and existing amenities, having regard to the minimum requirements for private open space provision, minimum floor areas, and maximum provision for car parking at a rate of 2 spaces per dwelling, there would appear to be considerable opportunity to increase the compactness, footprint of the

development from the extent proposed and in a layout that incorporates reduced plot sizes, tighter arrangement of houses and distribution of private open space in the form of patio gardens, in a low rise development. A good example of this form of development is illustrated in Figure 5.1 of the Guidelines (2024), as denser formats for example.

8.2.28. I would therefore conclude that the proposed development, in my view, would represent underdevelopment of an existing, well-located and serviced site with reasonable access to public transport services in the area and that the proposed development would undermine the achievement of higher densities contrary to Table 3.1 of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024), and the aims of Policy Objective PHP18 of the Dun Laoghaire County Development Plan 2022-2028, which seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites.

8.2.29. Planning History

The PA cites the planning history on the site, i.e. D19A/0190, in arguing that higher densities have been previously considered appropriate on the subject site. In this case a proposed apartment development had a density of 54 UPH. The appellant argues that the PA had conservation concerns in L.A. Ref. D19A/0190 in respect of mass, bulk and scale and this is evidence that the current proposed density of 16 UPH is more respectful of the site characteristics. It is worth noting that the previous proposal related to a larger site as the site included the original house, Carrigmore. Notwithstanding the appellant's opinion, I would consider that each case is considered on its own merits, and that a proposal of 54 UPH could be modified downwards, as outlined above in achieving more compactness, and still comply with the density recommendation of 40 uph to 80 uph. The current case before the Commission, is significantly lower than the recommended density standards, in both the CDP and the Guidelines (2024).

8.2.30. I would note that the appellant refers to a nearby planning case, L.A. Ref. D22A/0555, in which case planning permission was granted for 13UPH, as a precedent for the current case before the Commission. I have reviewed this case,

and I would note that there are specific built conservation concerns raised by the Conservation Office of the DLRCC, which are unique to this nearby site which justified the density permitted, and similar built conservation concerns are not prevalent in the current case. I would also note that this neighbouring planning application predates the publication of the Guidelines (2024), which recommend higher residential densities.

8.2.31. Commercial Viability

The appellant also makes the case that the ground conditions would not be suitable for a basement given the extremely shallow bedrock and persistently high-water table and also having regard to the extensive tree root protection on the site. The appellant argues that the level of construction risk and cost associated with such works would be excessive and would render the proposed development commercially unviable.

8.2.32. I would accept that ground works would be significantly more expensive, and the Engineer's Report, that accompanied the appeal submission, concluded that basement excavation is not considered feasible or reasonable on engineering, environmental, or economic grounds, however commercial viability is not a planning issue. Nonetheless, I have outlined above the scope for higher residential density on the site by reducing the scale of individual unit sizes, private open space provision and car parking spaces and redesign in terms of site layout, and all of these measures would increase the residential density on the site, without excavating for a basement. I therefore would not concur with the appellant that the constraints associated with bedrock depth, ground conditions, tree root protection limits the site to its proposed density, of 4 no. housing units.

8.3. Other Matters

8.3.1. An issue not raised in the appeal is the standard of proposed accommodation. I note that the DLRCC CDP does not include any minimum standards in respect of floor areas for houses, however Section 5.3: 'Internal Layout and Space Provision' contained in the DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)

recommends minimum standards for houses. The proposed floor area for House Type A (239 sq. m) and House Type B (315 sq. m) would generously exceed the minimum floor area standards in these Guidelines. In addition, the private open space provision for House Type A (236 sq. m.) and House Type B (c. 181 sq. m.) would significantly exceed the minimum requirements of Table 12.10 'Private Open Space' of the CDP, where the minimum required private open space for the proposed houses is 75 sq. m. I would consider that the proposed development would provide a good standard of residential amenity for future occupants.

- 8.3.2. I note that the DLRCC Transportation Department recommended that further information is sought in relation to specific issues, which I have itemised in para 3.3.1 above. The appeal submission includes a number of amendments, including the omission of visitor car parking spaces, and the total number of car parking spaces is now reduced to 8. The appeal amendments also provide for a reduction in the width of the internal access road, and a footpath is provided across the site entrance, on Golf Lane, and the necessary visibility splays are provided. Each dwelling will include an electric charging station. I would consider that the applicant has satisfactorily addressed all the issues raised by the DLRCC Transportation Department, and that these issues can be addressed by condition, should the Commission be minded to grant permission.
- 8.3.3. I would also note that the DLRCC Drainage Division raised specific issues and also requested further information. The appeal submission has addressed the QBAR calculations to ensure that the value does not exceed 2 l/s /ha, and this would address the Drainage Division's concerns. The appeal submission also includes additional details in relation to overland flow routes and confirms that given the requirement to retain trees there is no option but to locate the underground storage facilities under the carriageway and that no trees will be planted within 2m of an underground attenuation facility. I would consider that the appeal submission has addressed issues raised by the Drainage Division, and that these issues can be dealt with by condition, should the Commission be minded to grant permission.
- 8.3.4. In relation to a potential flood risk concern, I would note that the lowest FFL proposed is 76.35m AOD which would provide a freeboard of 500mm above maximum predicted pluvial flood level. The applicant is prepared to increase the lowest FFL

(House No. 4) to 76.40m AOD, and the FFL for house no. 3 to 76.50m, and the FFL for house no. 2 to 76.60m AOD. House no. 1 will remain as originally proposed at 76.75m AOD. These proposed amendments will achieve a greater level of freeboard for the proposed development, and therefore I would consider that the issue raised by the Drainage Division has been addressed, and I would recommend that the Commission include a condition in relation to FFL, should they be minded to grant permission.

- 8.3.5. I note that the submission from prescribed body Uisce Éireann requested updated information in relation to a connection enquiry. The appellant has provided information to address this issue, and I would consider that this can now be dealt with by condition.
- 8.3.6. Finally, I note that that any issues in respect of boundary treatment as raised in the third-party submission to the PA, can be addressed by condition, should the Commission be minded to grant permission.

9.0 AA Screening

I have considered case ACP-PL-500714-26 in light of the requirements S177U of the Planning and Development Act 2000, as amended.

The closest European Sites, part of the Natura 2000 Network, is Rockabill to Dalkey Island SAC (Site Code 003000) situated 6.4 km to the east, Dalkey Islands SPA (Site Code 004172) situated 6.2 km east. South Dublin Bay SAC (Site Code 000210) is situated 3.8km to the north, and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is situated 3.35 km to the northwest.

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. The reason for this conclusion is as follows:

- The nature and scale of development.
- The location of the site.
- The absence of any ecological pathway from the development site to the nearest European Site.

I conclude, on the basis of objective information, that the development would not have 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. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.3. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

I recommend that planning permission be refused for the reason set out below.

12.0 Reasons and Considerations

Having regard to the suburban character of the area, the well-located and serviced site with reasonable access to public transport services and to Table 3.1 of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024), with regard to the density ranges applied to locations in Dublin classified as ‘City - Urban/Suburban Extensions’ and to Section 4.3.1 of the Dun Laoghaire County Development Plan, 2022-2028, it is considered that the

provision of approximately 16 dwellings per hectare would represent an inadequate housing density that would give rise to an inefficient use of zoned residential land and that the proposed development would undermine the achievement of higher densities contrary to the aims of Policy Objective PHP18 of the Dun Laoghaire County Development Plan 2022-2028, which seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites. The proposed development would, therefore, be contrary to Policy Objective PHP18 of the Dun Laoghaire County Development Plan 2022-2028, and to the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Kenneth Moloney
Senior Planning Inspector

12th May 2026

Form 1 - EIA Pre-Screening

Case Reference	ACP-PL-500714-26
Proposed Development Summary	Construction of four detached houses with associated works.
Development Address	Carrigmore, Golf Lane, Torquay Road, Foxrock, Dublin 18
In all cases check box /or leave blank	
<p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	<p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input type="checkbox"/> No, No further action required.</p>
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<p><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.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
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?	
<p><input 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.</p> <p>No Screening required.</p>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" 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)	Class 10(b)(i) of Part 2: threshold 500 dwelling units.

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: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	ACP-PL-500714-26
Proposed Development Summary	Construction of four detached houses with associated works.
Development Address	Carrigmore, Golf Lane, Torquay Road, Foxrock, Dublin 18.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development will consist of the construction of 4 no. detached dwellings comprised of House Type A (1 unit) and House Type B (3 Units). Given the urban location within a predominantly residential area, there are established residential uses in the immediate vicinity of the subject site.</p> <p>The proposal is not considered exceptional in the context of the established pattern of development in the area. During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. The proposed development does not involve any demolition. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural, historical or archaeological significance.</p> <p>The nearest designated site to the appeal site is the South Dublin Bay SAC (Site Code 000210) situated 3.8km to the north, and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) situated 3.35 km to the northwest. The Dalkey Islands SPA (Site Code 004172) is situated 6.2 km to the east of the development site, and Rockabill to Dalkey Island SAC (Site Code 003000) situated 6.4 km to the east.</p>

	I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the scale of the proposed development and the nature of construction works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)