



An
Coimisiún
Pleanála

Inspector's Report PL-501205-DR-26

Development	Demolish house and outbuildings and construct 3 houses with associated works.
Location	Kilakee, Torquay Road, Foxrock, Dublin, D18F7K3 - ACA
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D26A/0054/WEB
Applicant(s)	Stoe Construction Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Stoe Construction Limited
Observer(s)	Simon & Dympna Dowling
Date of Site Inspection	10 July 2026
Inspector	Natalie de Róiste

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	7
5.0 Policy Context.....	8
6.0 EIA Screening.....	16
7.0 The Appeal	16
8.0 Assessment	19
9.0 AA Screening.....	28
10.0 Water Framework Directive	28
11.0 Recommendation	29
12.0 Reasons and Considerations.....	29
Appendix 1: Form 1 EIA Pre-Screening	30
Appendix 2: Form 2 - EIA Preliminary Examination.....	32

1.0 Site Location and Description

- 1.1. The appeal site is rectangular and largely flat, measures c. 0.14 hectares, and is located on the west side of Torquay Road, opposite the junction with The Birches, in Foxrock, Dublin 18. It contains a detached bungalow (c. 1930s) with attached garage, and a shed. There is extensive vegetation and tree cover to the gardens, and an existing vehicular entrance.
- 1.2. The site is bordered to the north by Mazemore, 48 Torquay Road, and by a two-storey house, Siriso, built in the backlands of this site. It is bordered to the south by Cloragh, a two-storey house. The site backs onto a small area of undeveloped land (c. 350 sqm, which it is stated will be added to the site in the future), and beyond that to a strip of land which was part of the Harcourt Street Railway Line, in the ownership of adjoining landowners. Beyond that is Leopardstown Racecourse and Leopardstown Golf Course. The immediate surrounding area is characterised by low density residential development, bungalows, dormer bungalows, and two-storey houses in their own grounds. The site is c. 300 metres north of Foxrock village, 6 km from Dun Laoghaire, and 11 km from Dublin city centre.

2.0 Proposed Development

- 2.1. It is proposed to undertake the following development:
 - Demolition of the existing three-bedroom bungalow (c. 132 sqm), garage and shed
 - Construction of a terrace of three 2-storey 3-bedroom houses, each of 105 sqm.
 - Widening of existing vehicular entrance, off-street parking (6 spaces), landscaping (including 670 sqm of communal open space) and site services
- 2.2. The proposed development has a plot ratio of 0.22. The proposed density is 21 units per hectare. The site coverage is 15%.

2.3. Revisions provided for in first-party appeal

- 2.3.1. The appellant has provided revised drawings, including minor amendments to the gable elevations of the block, and a revised vehicular entrance, towards the centre of the site instead of at the north end, with additional alterations to landscaping.
- 2.3.2. The revisions to the street-facing elevation show an additional box bay window to the ground floor, and an additional smaller window to the first floor, for a total of four windows. The revisions to the west elevation (facing the back of the site) show three windows, rather than the previous blank façade.
- 2.3.3. The revisions to the landscaping include the relocation of the site entrance, the retention of trees T6, T7, T8, T9, T10, T28, and H47, and the relocation of car parking spaces.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. The proposed development of 3 new dwellings, by reason of its poor design, form, layout and loss of significant trees and vegetation, that includes the removal of a number of trees/hedgerow and development in close proximity to Torquay Road, would have a detrimental visual impact on the character of the Foxrock Architectural Conservation Area. The proposed development contravenes Section 12.3.7.7 Infill of the County Development Plan, 2022-2028, where the infill development shall respect the height and massing of the existing residential units and the development shall retain the physical character of the area. The proposed development would also materially contravene Policy Objective HER13: Architectural Conservation Areas, where the proposed development is not appropriate in terms of its design, scale, height, mass, building lines and materials. The proposed development would therefore set an undesirable and negative precedent for similar development in the local area and would not be in accordance with the proper planning and sustainable development of the area.

2. Having regard to the location of the proposed development, the residential zoning objective, the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028, including policy objectives PHP18 (residential density), section 12.3.3.2 (residential density) and the density ranges set out in table 3.1 in the Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024), which promotes residential densities in the range of 50dph to 250dph (net) shall generally be applied in urban neighbourhoods of Dublin, it is considered that the proposed density at 21 units per hectare constitutes an unacceptable low density of development within this 'City - Urban neighbourhood' which would constitute unsustainable use of this accessible and fully serviced site and, as such, would contravene Policy PHP18 (residential density) and section 12.3.3.2 of the Dún Laoghaire Rathdown County Development Plan 2022 - 2028 and would also contravene the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Therefore, to permit the proposed development, would set an undesirable precedent for other similar developments and would be contrary to the proper planning and sustainable development of the area.

3. The Planning Authority considers the proposed vehicular entrance to be substandard and would endanger public safety as a result of insufficient sightlines/visibility splays for additional traffic exiting on Torquay Road and therefore does not accord with Section 12.4.8. Vehicular Entrances and Hardstanding Areas of the Dún Laoghaire Rathdown County Development Plan 2022-2028. The proposed development would set an unwelcome precedent therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planner's report dated 20/3/26, noted site context, location within Foxrock ACA, third party submissions, internal reports, planning history, and Development Plan and national policy. Considered the bungalow of vernacular interest, in habitable condition, and demolition needed to be assessed under Section 12.3.9 and Policy Objective HER20 of the

Development Plan. Concerns regarding tree removal and layout and design of terrace. Density considered too low (21 units per hectare, compared with anticipated density range of 40-80 units per hectare). Residential amenity of houses acceptable, but concerns regarding overlooking impacts on neighbouring properties. No information provided on public open space or contribution. Departmental reports summarised. Refusal recommended.

3.2.2. Other Technical Reports

- Parks Planning – retention of majority of trees welcomed, concerns regarding impacts on certain trees from car parking in the root protection zone. Further information with revised site layout requested.
- Transportation Planning – 50 km/hr speed limit noted, visibility splays limited by hedgerow to be retained and by neighbouring boundaries. Vehicular entrance does not comply with DMURS standards, refusal recommended due to endangerment of public safety and creation of poor precedent for impacts on Torquay Road.
- Drainage Planning – Further Information required on surface water discharge to ditch, on materials for access road (should be built to taking-in-charge standard) and provision of additional SuDS, ensuring nature-based features are maximised.
- Conservation Report – inconsistent with the morphology of the ACA, would not integrate into the receiving environment, does not accord with Policy HER13 and Section 12.11.4 of the Plan.

3.3. Prescribed Bodies

- Environmental Health Office – Further information required, including a CEMP, Demolition Management Plan, and Resource and Waste Management Plan.

3.4. Third Party Observations

Three received, (two from same observer), both neighbouring residents objecting to the development. Concerns raised included the following issues:

- Impacts on the Architectural Conservation Area

- Demolition of habitable house
- Impacts on neighbouring residential amenity
- Backlands Development
- Drainage
- Tree Protection

4.0 Planning History

4.1. On site

- ABP ref PL06D.500296 (reg ref D25A/0672/WEB)

Permission refused for four houses. Appeal withdrawn.

The proposed development of 4 new dwellings, by reason of its' poor design, form, layout and loss of significant trees and vegetation, that includes the removal of a significant number of trees and development in close proximity to Torquay Road, would have a detrimental visual impact on the character of the Foxrock Architectural Conservation Area. The proposed development contravenes Section 12.3.7.7 Infill of the County Development Plan, 2022-2028, where the infill development shall respect the height and massing of the existing residential units and the development shall retain the physical character of the area. The proposed development would also materially contravene Policy Objective HER13: Architectural Conservation Areas, where the proposed development is not appropriate in terms of its design, scale, height, mass, building lines and materials. The proposed development would therefore set an undesirable and negative precedent for similar development in the local area and would not be in accordance with the proper planning and sustainable development of the area.

4.2. Recent and relevant applications

- Carrigmore, Golf Lane, Torquay Road, Dublin 18.

PL06D.500714 (D25A/0841/WEB) Application for four houses in grounds of existing house. Permission refused by DLRCC for low density (16 units per hectare).

Permission granted by Commission.

PL06D.319940 (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.

Appeal invalid.

D23A/0641 – 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.

- Rockall, The Birches, Torquay Road, Dublin 18

ABP-320078-24 (D23A/0641) Application for 10 houses and 14 duplex units, facilitated by demolition of existing house on site. Permission granted by DLRCC for 22 units following a Further Information request. Confirmed by the Board following a third party appeal, permission granted 5 February 2026.

- Rockbrae, Westminster Road, Dublin 18

PL06D.246304 (D15A/0839) Application for demolition of existing house and construction of 35 apartments. Permission granted by Board following third party appeal. Subsequently extended.

5.0 Policy Context

5.1 Dun Laoghaire Rathdown Development Plan 2022-28

- 5.1.1. The zoning objective for the subject development site is “A”: *To provide residential development and improve residential amenity while protecting the existing residential amenities*. Residential is permitted in principle as a land use in this zoning.

5.1.2. Chapter 3 deals with Climate Action.

Policy Objective CA5: Energy Performance in Buildings

It is a Policy Objective to support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing and new buildings, including retro fitting of energy efficiency measures in the existing building stock.

Section 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings

It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).

With 30% of construction related emissions locked into the completed building as 'embodied carbon' priority should be given to repairing and re-using existing buildings in preference to demolition and new-build. This policy objective is again in line with the targets of the DLR CCAP. For new build and repair or retrofit, the Planning Authority will support the use of materials that are sustainably sourced and the reuse and recycling of existing materials wherever possible.

Where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be considered to be acceptable to the Planning Authority (See also Section 12.3.9. Demolition and Replacement Dwellings).

5.1.3. Chapter 4: Neighbourhood – People, Homes and Place sets out policies and objectives on housing in Section 4.3: Homes.

Policy Objective PHP18: Residential Density

- It is a Policy Objective to: 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 PHP19: Existing Housing Stock - Adaptation

It is a Policy Objective to:

- *Conserve and improve existing housing stock through supporting improvements and adaption 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.*

Policy Objective PHP20: Protection of Existing Residential Amenity.

It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

As part of a long section 4.3.1, the following text is included:

The Council will encourage the retention and deep retrofit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement and will also encourage the retention of existing houses that, while not Protected Structures or located within an ACA, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type - particularly those in areas consisting of exemplar 19th and 20th Century buildings and estates (see Chapter 3, Policy Objective CA6 and Chapter 12, Section 12.3.9).

Chapter 9 Open Space, Parks and Recreation sets out as part of a long section 9.3 that the council will seek to preserve trees, groups of trees, and or woodlands that form significant features or are important to the character, amenity, or ecology of an area. The parks department carried out a comprehensive review of the tree symbols on the Development Plan map (which have an objective to protect and preserve Trees and Woodlands).

Chapter 11 Heritage and Conservation guides decision-making on protection of heritage through protection, management, sensitive enhancement or appropriate repurposing. Relevant sections include:

11.4.2.1 Policy Objective HER13: Architectural Conservation Areas

It is a Policy Objective to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Please refer to Appendix 4 for a full list of ACAs.*
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.*
- iii. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.*
- iv. Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.*
- v. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.*
- vi. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.*

11.4.2.2 Policy Objective HER14: Demolition within an ACA

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

11.4.3.2 Policy Objective HER20: Buildings of Vernacular and Heritage Interest

It is a Policy Objective to:

- i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.*
- ii. Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts, pub fronts and other significant features.*
- iii. Ensure that appropriate materials be used to carry out any repairs to the historic fabric.*

11.4.3.3 Policy Objective HER21: Nineteenth and Twentieth Century Buildings, Estates and Features

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.*

Chapter 12 gives detailed guidance on Development Management, with standards for residential development, car parking, cycle parking, and open space.

Section 12.3.9 Demolition and Replacement Dwellings

The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. (See Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock - Adaptation).

Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.

The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable.

Applications for replacement dwellings shall also have regard to Policy Objectives HER20 and HER21 in Chapter 11. In this regard, the retention and reuse of an existing structure will be preferable to replacing a dwelling, and the planning authority will encourage the retention of exemplar nineteenth and twentieth century dwellings on sites in excess of 0.4 hectares. Applications for replacement dwelling within the rural area will be assessed under the provision of Section 12.3.10.4.

Section 12.2.1 Built Environment states

The Planning Authority will encourage and promote the repair, retrofitting and reuse of buildings in preference to their demolition and reconstruction where possible (Refer also Section 12.3.9 Demolition and Replacement Dwellings). Where this cannot be achieved, the Planning Authority will support the use of sustainably sourced building materials and the reuse of demolition and excavated materials.

5.1.4. *Section 12.11.3 Architectural Conservation Areas (ACAs)*

5.1.5. This long section sets out the principles governing an ACA.

5.1.6. *Section 12.11.4 New Development Within an ACA*

5.1.7. This long section sets out criteria which will govern the assessment of planning applications within an ACA. All developments should be site specific, to a high standard of design, and make a positive contribution to the character of the ACA. Demolition of structures that contribute to the streetscape will not normally be permitted; where demolition is proposed, a key consideration is the quality of any replacement structure.

5.1.8. **Foxrock ACA**

5.1.9. The site is located within Foxrock Architectural Conservation Area (ACA), as listed in *Table 4.2 Architectural Conservation Areas of Appendix 4: Heritage Lists*.

The Character Appraisal of this ACA is available on the council website. It is undated, but makes several references to the then-current Development Plan of 2004-2010.

It sets out the historical development of the area as a garden suburb of the city of Dublin in Section 3, noting the vision of the developers in 1862 to create a garden suburb of *'beautiful building sites for mansions and pretty villas'*.

Section 6 sets out to describe the existing environment. It states that Torquay Road is one of four recognised sub-areas within the ACA. This notes the residential character with a controlled pavement boundary of trimmed hedges, walls and gates, with a sylvan atmosphere quite vulnerable to future development. It has a consistent building line and defined edge to the road on both sides, with the houses on the western side largely dating from the 1930s onwards, smaller in style, with single-storey or dormer bungalows popular, with the Arts and Crafts style remaining popular but employed in a watered down manner. These houses have smaller building plots and closer proximity to the road and to each other. It notes the recent insertion of splayed entrance gateways as an unwelcome trend breaking the consistent roadside boundary.

It notes the overall visual character of the area is sylvan in nature, characterised by low density residential development, with roads having an almost rural character due to mature planted boundaries.

- 5.2. Section 7 sets out the Architectural Details and Local Characteristics of the ACA, noting clay roof tiles, mixed materials for walls, granite trim, a mix of timber sash windows and (later) timber and metal casement windows, sometimes with leaded lights and small panes, and a variety of timber door types, in later phases often set within glazed screens. Boundary treatments are largely soft landscaping, and partly conceal houses.
- 5.3. The ACA (at Section 8) specifically de-exempts various works to walls, roofs, windows and doors, and boundaries, save for repairs, maintenance, and like-for-like replacements.
- 5.4. Section 9 sets out guidance on demolition of existing structures, with a presumption in favour of retention of any building which makes a positive contribution to the character of the ACA, and demolition permitted only in exceptional circumstances, with the onus on the applicant to justify the demolition of the building, and the quality of the redevelopment a key consideration. New buildings should have imaginative, high quality design, and should enhance the area. They should be designed with respect to their context as part of a larger whole.
- 5.5. **National Guidance**
- 5.5.1. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).**
- 5.5.2. These guidelines reiterate the National Planning Framework and the RSES priority of ambitious growth targets for cities and metropolitan areas, including delivering brownfield and infill development at scale within the existing built-up footprint. There is an emphasis on compact growth, and the provision of more houses and denser development in cities and towns in proximity to existing services and public transport.
- 5.5.3. These guidelines set out SPPRs and Policies and Objectives on separation distances; private, semi-private, and public open space; and car and cycle parking. The standards are aimed at consolidating existing settlements and avoiding sprawl, and creating compact settlements.
- 5.5.4. They replace the *Guidelines for Planning Authorities Sustainable Residential Development in Urban Areas* (2009) which are referred to in the Development Plan,

which was adopted in 2022. Planning authorities are obliged to have regard to these Section 28 Guidelines, and obliged to implement any Specific Planning Policy Requirements (SPPRs) set out therein.

5.5.5. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

5.5.6. Chapter 3 deals with Architectural Conservation Areas, with several sections setting out guidance.

Section 3.7 Development Control in Architectural Conservation Areas

Section 3.10 Criteria for Assessing Proposals within an Architectural Conservation Area

5.4 Natural Heritage Designations

pNHA: 001753 - Fitzsimon's Wood – c. 3 km west

pNHA: 001206 - Dalkey Coastal Zone And Killiney Hill – c. 4 km east

SPA: 004172 - Dalkey Islands SPA – 6 km east

SAC: 003000 - Rockabill to Dalkey Island SAC 6.2 km east

6.0 EIA Screening

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. Grounds of Appeal

One appeal was received, from the first party against the refusal. The first party has responded to each of the three reasons for refusal. The first party has submitted

revised drawings for the consideration of the Commission. Issues raised are summarised as follows:

- The first reason for refusal refers to poor design having a detrimental visual impact on the ACA. The design is based on that of a modern mews development, and reflects recent modern developments along Torquay Road. The road has no one style, and the buildings have a diversity of materials and rooflines. The site has a narrow frontage to Torquay Road and is not highly visible. The landscaped boundary will ensure no undue visual impacts. The design has been amended to include additional fenestration to the Torquay Road elevation.
- The first reason for refusal also refers to the form and layout of the development, and the loss of significant trees and vegetation. The proposal for three houses (rather than 4, refused under D25A/0972WEB) results in the retention of a greater quantum of trees. Other improvements include the omission of the first-floor balcony area, the replacement of the monopitch roofs with flat roofs, and the removal of the extra car parking and access roadway associated with the fourth dwelling.
- The first reason for refusal also refers to the scale, height, mass, building lines and materials of the development in the ACA. This has been reduced by the removal of one dwelling, and the reduction in height due to the changed roof profile. The proposed dwellings are sympathetic to the wide mix of house types in the vicinity, with an appropriate scale and height, an almost unchanged building line, and appropriate robust high-quality materials.
- Regarding the refusal for insufficient residential density, the density arrived at (21 units per hectare, compared with the previously refused development of 4 houses (28 units per hectare)), is a result of the constraints on the site, including its location in the ACA, and the retention of trees and hedgerows. The Foxrock ACA defines the area as a 'Garden Suburb' type, with larger houses on sylvan plots. As such, a lower-density development is appropriate to preserve its character, and the guideline 40-80 units per hectare set in the Compact Settlement Guidelines must be considered in this light. Both the Parks and Conservation section welcomed the lower density.

- Regarding the refusal regarding sightlines, revised drawings are provided, showing a revised entrance location which provides for the retention of existing trees and hedgerows, and allows for a greater entrance splay and higher visibility.
- The commission is requested to proceed to grant permission for this proposal on under-developed land on a serviced site.

7.2. Planning Authority Response

The planning authority refers the Commission to the previous planner's report, noting that the appeal does not raise any matter which would justify a change of attitude to the proposed development.

7.3. Observations

One third party observation received, from the neighbour at Mazemore to the north. Issues raised include the following:

- The demolition of the existing house has not been justified, and recent case law (Coolglass) supports its retention; its demolition in the absence of a Whole Life Cycle Carbon Assessment is inconsistent with the Climate Action Plan.
- There is precedent for refusal to demolish an existing dwelling in the Foxrock ACA (D06A/1310, Mazemore)
- The replacement of the existing 1930s house within a sylvan setting with a two-storey gable elevation of 9.3 metres in height would disrupt the architectural expression and character of the area. The removal of trees and hedgerows, and the proximity of the new development, would expose neighbours to disturbance, overlooking, and loss of amenity, and impact the character of the ACA. The entrance road and the traffic associated with it would disturb the peace of the neighbouring garden.
- The demolition, the loss of the sylvan landscape, and the design of the proposed new houses are contrary to Development Plan policy to protect the Foxrock ACA.

- The second reason for refusal conflicts with the first, and takes no account of the sensitivity of the site.
- The Commission is requested to refuse permission, as demolition has not been justified, a grant would be inconsistent with the Climate Act, the development would be injurious to the Foxrock ACA, and there would be undue overlooking of Mazemore, in contravention of the zoning objective to provide and improve residential amenities.

7.4. One observation received from a prescribed body, the Development Applications Unit. Issues raised are summarised as follows:

- The development has the potential to disturb the roosting habitat of a population of bat species
- Mitigation conditions including a bat survey, a derogation (if bats are found) the installation of bat boxes should be attached to any grant of permission.
- To prevent potential disturbance to nesting birds, tree removal should take place outside the bird nesting season.

7.5. Further Responses

None on file.

8.0 Assessment

8.1. I have examined the application details and all other documentation on file, including the submission received in relation to the appeal, the reports of the local authority, and the material submitted by the applicant. I have inspected the site, and I have had regard to relevant local/regional/national policies and guidance. I consider the substantive issues to be considered as follows:

- Demolition
- Impact on the ACA and built heritage and compliance with policy on the ACA
- Density
- Traffic hazard

- Residential Amenity
- Bats and birds (new issue)

8.2. Demolition

- 8.3. The issue of demolition was raised in the planner's report, although not given as a reason for refusal. The policy is laid out above – there is a presumption against demolition, and in favour of retrofitting of existing buildings (Policy Objectives CA6 and PHP19), but demolition is open for consideration as set out in *Section 12.3.9 Demolition and Replacement Dwellings*. There is a preference for retrofitting structurally sound habitable dwellings in good condition; replacement with new-build houses will not be considered solely on the grounds of replacement numbers; the construction of new houses in the grounds of an established dwelling may be a better alternative in the case of distinctive dwellings in landscaped gardens.
- 8.4. I note that Section 12.3.9 notes that other factors will be considered besides the number of houses. I consider that the increase in numbers on the site is a factor to take into consideration, albeit not the only one. The development would see the replacement of a three-bedroom bungalow with three three-bedroom houses. In this instance, the existing house is a bungalow located centrally on the site, and there is little prospect of both retaining large trees and increasing density on the site without demolition of the existing house. This section must be considered in light of Policy Objective PHP18: Residential Density, which sets out an objective to promote urban growth through the consolidation and re-intensification of infill/brownfield sites.
- 8.5. In the interests of clarity, I note that this is not a proposal for a single replacement dwelling, and as such the issue of habitability of the house or retrofitting does not arise.
- 8.6. Policy Objective HER20 and HER21 are concerned with protection of vernacular and heritage buildings and nineteenth and twentieth- century buildings, estates, and features. Issues of built heritage are addressed below.

8.7. Impact on the ACA and built heritage and compliance with policy on the ACA

- 8.7.1. The site contains a vacant bungalow. This is one of three in a row of similar form, scale, and plan. The 1937 Ordnance Survey map shows Torquay Road largely built out, with larger plots with named houses on the north/east side, and smaller plots, unnamed houses, and a coherent building line on the south/east side backing onto the railway. The ACA notes that later houses such as this one were built in a 'watered-down' Arts & Craft style compared with the earlier, larger houses in the area, and that the overall character of the area is one of low-density residential development in a sylvan setting.
- 8.7.2. The site is currently overgrown, and the house is almost hidden from view, with its openings boarded up. Notwithstanding this temporary condition, the house, in my view, makes a positive contribution to the ACA, albeit a modest one. The planner's report refers to it as being of vernacular interest; however, it is not a vernacular building, having the hallmarks of a professional builder and designer. It has a well-ordered asymmetrical front elevation, some original fabric (although the roof has been replaced), and a small scale that combines with the well-wooded surrounds to create a pleasing picturesque effect, typical of the low-density suburban sylvan character the ACA seeks to protect.
- 8.7.3. I note the Conservation Office's report does not specifically object to the demolition of the house, but rather to the lack of any Architectural Heritage Impact Assessment, and to the design of the replacement buildings.
- 8.7.4. As the Conservation Officer alluded to in their report on the previous application (D25A/0672/WEB), there is a direct conflict between the ACA (which aims to protect the low-density character of the area) and broader national and county policy to increase density on zoned, serviced, residential sites. They recommended the applicant submit an appraisal of the heritage of the dwelling, and a rationale for its demolition.
- 8.7.5. I note the policy objective at HER14 to prohibit the demolition of a structure that positively contributes the character of an ACA. This is followed by the text "*Any such proposals will be required to demonstrate that the existing building is incapable of viable repair and reuse and should be accompanied by an Architectural Heritage Impact Assessment, photographic survey and condition report.*" This indicates that it

is not an outright prohibition. *Section 12.11.4 New Development within an ACA* states at (ii) *Demolition of structures that contribute to the streetscape character will not normally be permitted. Where demolition is proposed a key consideration is the quality of any replacement structure and whether it enhances/contributes to the ACA.*

- 8.7.6. Similarly, the text of the Foxrock ACA does not prohibit demolition outright, but has a presumption against it as follows:

“There will therefore be a presumption in favor of retaining any building, which makes a positive contribution to the character of the ACA. Where the demolition of a building is proposed the key considerations that will be taken into account include:

(a) The contribution of the building to the ACA and the effect of its demolition on the special character of the area.

(b) Whether the quality of the proposal for the redevelopment of the site will maintain or enhance the distinctive / special character of the area.”

- 8.7.7. Given the conflicting objectives in the Development Plan, I consider that the demolition of the house might be considered acceptable, as part of the redevelopment of the site at a higher density, subject to the provision of a site specific development to a high standard of design which enhances the ACA. The proposed buildings are not overscaled for the site, and do not break the building line. However, they are of no particular architectural interest, and do not constitute the imaginative high-quality design referred to in the ACA document. I do not consider them to be of a sufficient standard to make a positive contribution to the ACA, or to justify the demolition of the existing structure.

8.8. **Density**

- 8.8.1. One of the reasons for refusal is insufficient density. The Compact Settlement Guidelines address density in Section 3. Table 3.1 of the guidelines sets out density ranges for different areas of Cork and Dublin. Once a range has been established, a two-step process is proposed, with the relevant density range considered and refined having regard to its proximity and accessibility to services and public transport (Step 1) and to its character, amenity, and natural environment (Step 2). This latter step includes considerations of the prevailing mass and scale of buildings, urban grain and architectural language, historic environments including ACAs, the natural

environment and ecosystems, residential amenity of neighbouring properties, and capacity of water and wastewater services.

- 8.8.2. I note the planner's reference to the Density Ranges in the Compact Settlement Guidelines. However, in my view, the planner erroneously referred to the range of 50-250 units per hectare for the site, before refining it to 40-80 units per hectare due to its location within an ACA. I note this also differs from the assessment on the recent refusal on the site (see history file D25A/0672/WEB), where 40-80 units per hectare was taken as the headline figure, before refining it further due to the ACA.
- 8.8.3. The higher figure – 50-250 units per hectare is an appropriate range for City – Urban Neighbourhoods, being compact medium density residential neighbourhoods around the city centre, strategic and sustainable locations, town centres, and lands around existing or planned high capacity public transport nodes or interchanges.
- 8.8.4. This area is not a medium density area, but a lower density one, more typical of the City – Suburban/Urban Extension category. Suburban areas are described as the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century. Notwithstanding Foxrock's early development, the site more properly falls within this category. The initial range is therefore 40-80 units per hectare, to be further refined.
- 8.8.5. Considering step 1, refinements due to accessibility to services and public transport, lands can be considered as High Capacity Public Transport Nodes, Accessible, Intermediate, or Peripheral Locations, depending on the distance from public transport, and the frequency of the service. The Guidelines also refer to the NTA's Public Transport Accessibility Level (PTAL) tool, which categorises areas by their level of service (high, medium-high, medium, low, or no category).
- 8.8.6. High Capacity Public Transport Nodes are defined as lands within 1 kilometre's walk of a DART/LUAS/railway/metro stop, planned or existing, or within 500 metres of a BusConnects Core Bus Corridor stop, planned or existing. Accessible Locations are within 500 metres of high-frequency (every 10 minutes) urban bus services. Intermediate Locations are within 1 km of a high frequency urban bus service, or within 500 of a reasonably frequent one (15-minute peak hour frequency). Any site that does not meet any of the above criteria is considered peripheral.

- 8.8.7. The closest BusConnects Core Bus Corridor is 1.5 kilometres away, on the N11, a 19-minute walk (or 22 minutes, to cross the dual carriageway for southbound busses). Sandyford Luas stop is 1.8 kilometres away. The closest bus stop (which is not on a Bus Connects Core Bus Corridor) is 800 metres away on Leopardstown Road, and is served by two orbital bus routes, the S8 (every 15 minutes peak times) and the 114, (every 45 minutes or so at peak times). The bus stop is not close enough to be considered an accessible location. The combination of the two bus routes does not quite meet the standard for 10-minute peak hour frequency, and therefore the site falls somewhat short of the standard for intermediate locations. As such, notwithstanding the proximity to the neighbourhood centre at Foxrock village (c. 5 minutes' walk) it is verging on a peripheral location in public transport accessibility terms.
- 8.8.8. I note the NTA PTAL tool does not indicate any level of service at morning rush hour. I would consider the lower end of the 40-80 uph density range to be an appropriate starting point before further refinements under Step 2.
- 8.8.9. Regarding further refinements to be undertaken under step 2, I note the number of trees on the site, and their locations to front, rear and sides. I note that Appendix B of the Compact Settlement Guidelines note that net density should be calculated by excluding areas of land that cannot be developed due to environmental sensitivities, topographical constraints (i.e. steepness) and/or are subject to flooding. If the areas with large mature trees (roughly 50% of the site) are to be excluded from the net developable area, the net density would be in the region of 42 units per hectare, rather than 21 units per hectare.
- 8.8.10. In any case, I note the other constraints on the existing site – the character of the ACA, which is suburban and sylvan in character, the development of houses within close proximity of its borders and the requirement to consider their residential amenity, and the limited visibility from the site entrance, and I do not consider an increased density of development significantly over and above that proposed to be appropriate.
- 8.8.11. I note that 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 as a general rule (on larger A zoned sites, or greenfield sites), although it goes on to state

that it may not be appropriate in all instances, and some dispensation may be appropriate in Architectural Conservation Areas. Regarding Policy Objective PHP18, it does not set a specific minimum density, and refers to the requirements to balance increased density with the protection of established character and residential amenity. The proposed development would increase the existing density on an infill/brownfield site, threefold.

- 8.8.12. On the whole, taking into account the location in an established low density suburban area, the intermediate to peripheral location *vis a vis* public transport, and then the site specific constraints I would have no concerns about the proposed density.

8.9. Traffic Hazard

- 8.9.1. The proposal was refused because sightlines from the entrance were inadequate. This is a road with a 50 km speed limit, and a broken white line with no speed bumps, buildouts, or other traffic calming measures. I note Dun Laoghaire Rathdown adopted Special Speed Limit Bye Laws in 2024, but did not reduce the speed on this road. All properties have off-street parking, the majority with set back vehicular entrances. I did not observe any on-street parking during the course of my site visit. Car traffic was free flowing but not heavy. There were a number of pedestrians, including joggers and dog walkers.
- 8.9.2. DMURS sets out that the required sight lines in a 50 km/h area is 45 metres in either direction, measured from a point 2.4 metres back from the carriageway, to the nearside edge of the carriageway (in instances like this, where there is no constraint on overtaking). This can be reduced to 2.0 metres where vehicle speeds are slow and traffic flows from the minor arm (in this instance, the new entrance) are low. In my view, traffic speeds here are not sufficiently low in an urban context to merit this reduction.
- 8.9.3. The original proposal, with a five-metre wide site entrance at the north end of the site, achieved a visibility splay of 17.2 metres to the north, and to the south would only achieve the required 45-metre distance by the removal of lengths of the front boundary. This was achieved using a point set back from the carriageway by 2.0 metres. The sightline to the north was to be addressed by installing a roadside

convex safety mirror. The Local Authority noted that this does not comply with DMURS standards.

- 8.9.4. The revised proposal places the vehicular entrance closer to the centre of the site. The visibility splay from a 2.4 metre setback point is 32 metres to the north, and 26 metres to the south, which falls well short of the 45 metre requirement. The sightlines from the 2.0 metre setback (39 metres to north and 39 metres to south) still fall well short of the DMURS standard.
- 8.9.5. I further note that the Parks Department requested the relocation of two car parking spaces from within the root protection zone of Tree T3 (a Category B tree, a large beech) to prevent major structural root loss and destabilisation. The revised plan has relocated these car parking spaces, but proposes running the road through the root protection zone of the tree, and relocated one space to the root protection zone of T4 (another category B large beech at the front of the site). It proposes retaining a larger number of trees, but these are of category C2 or U, and includes two trees that are dead. I do not consider the revised proposal an appropriate solution, given the likely impacts on trees, and the role those trees play in the ACA.
- 8.9.6. I am recommending a refusal based on traffic hazard.

8.10. Residential Amenity

- 8.10.1. The observer has concerns regarding overlooking. The proposed houses have a total of nine bedroom windows facing north, towards the observer's property. Due to the L-shaped floor plans, the window to each primary bedroom is set back some 13-15 metres from the boundary. The windows to the single bedrooms are located between 8 and 10 metres from the boundary. Two of these face the flank of the neighbouring house (Mazemore), while four face the rear garden. There is currently good foliage cover between the properties on the subject site, and subject to the retention of trees, I would not be unduly concerned. (However, I note the revised plans submitted by the applicant show relocated car parking spaces in the root protection zone of trees to the north boundary. These spaces also conflict with the footpath leading to the communal amenity area shown on the plan).
- 8.10.2. Regarding the residential amenity of the new houses, I would have concerns about the daylight and sunlight provision to the primary bedrooms of houses 2 and 3. The

window appears undersized for the large room, and is deeply recessed between two flanking walls. No rooflights are proposed. The plans for House type C show an additional window to the bedroom that could not be provided mid-terrace.

8.11. Bats and birds (new issue)

- 8.11.1. I note the submission from the Development Applications Unit of the Department of Housing, Local Government and Heritage, which refers to the risks to roosting habitat of Annex IV bat species due to removal of trees and vegetation and demolition of the buildings. The DAU recommends conditions be attached to undertake a bat survey prior to any works, and notes the requirement for a derogation should any roosts be identified. They also recommend that works be carried out outside the bird nesting season (March 1st to August 31st).
- 8.11.2. No bat survey was submitted with the application. The issue of bats and nesting birds was not raised in the council reports or in the request for further information, and the Department made no submission on the file. The commission may wish to seek the views of the parties on the issues raised in the Department submission. However, due to the reasons for refusal, this may not be deemed necessary.

8.12. Other Issues

- 8.12.1. I note the council drainage report on file, and that request for Further Information. The appellant has made no comment on, or response to this. The issue of SuDS, permeable paving, and surface water discharge could potentially be addressed by condition in the event of a grant of permission.
- 8.12.2. The appellant has not made any comment on the request for a Construction Environmental Management plan and a Resource Waste Management Plan, from the Environmental Health Officer. These issues could be addressed by condition in the event of a grant of permission.
- 8.12.3. The appellant has not made any proposals for public open space, or financial contribution in lieu.

9.0 AA Screening

- 9.1. 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. I conclude that the proposed development (alone) would not result in likely significant effects on any European site. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

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.
- 10.3. 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.
- 10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend a refusal of permission.

12.0 Reasons and Considerations

1. The proposed development, by reason of its indifferent design, would materially affect the character of the Foxrock Architectural Conservation Area, and would thereby 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.
2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a 50 km/hour road at a point where sightlines are restricted in both directions.

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.”

Natalie de Róiste
Planning Inspector

21 July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	501205-DR-26
Proposed Development Summary	Demolition of house, construction of three houses
Development Address	Kilakee, Torquay Road, Foxrock, Dublin, D18F7K
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ 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?	

☐ 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.	
☐ 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
☒ 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) Construction of more than 500 dwelling units – Sub Threshold Class 10(b)(iv) [Urban Development – 10 hectares – sub threshold]
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 ☒	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	501205-DR-26
Proposed Development Summary	Demolition of house, construction of three houses
Development Address	Kilakee, Torquay Road, Foxrock, Dublin, D18F7K
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development – the construction of three houses, facilitated by the demolition of one house - has a modest footprint, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, and is not vulnerable to climate change. It presents no risks to human health.
Location of development (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,	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in a suburban area, removed from European sites, coastal zones, nature reserves.

cultural or archaeological significance).	
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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
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.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)