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FIRST PARTY APPEAL

Against decision by Dun Laoghaire Rathdown County Council to
refuse permission for

RETENTION OF RELOCATED CARWASH FACILITY LOCATED TO THE REAR OF THE EXISTING SERVICE STATION

at

**FOXROCK SERVICE STATION, BRIGHTON ROAD,
FOXROCK, DUBLIN 18, D18X2N0**

Client: Foxrock Motor Company Ltd

Dun Laoghaire Rathdown County Council Ref: D26A/0457/WEB

4th September 2026

1.0 INTRODUCTION

David Mulcahy Planning Consultants Ltd have been instructed by Foxrock Motor Company Ltd ('the appellant') of Foxrock Service Station, Brighton Road, Foxrock, Dublin 18, D18X2N0 to prepare a first party appeal against the decision of Dun Laoghaire Rathdown County Council ('DLR') to refuse permission for retention of relocated carwash facility located to the rear of the existing service station ('the proposed development') at Foxrock Service Station, Brighton Road, Foxrock, Dublin 18, D18X2N0 ('the subject site').

The decision to refuse permission was made on 10th August 2026. This appeal meets the 4 week deadline for an appeal – Monday 7th September 2026. The fee of **€4,500** accompanies the appeal (commercial, retention, no EIA, NIS). A copy of the Council's decision to refuse permission is included in **Appendix A**.

The Council refused permission for a **single reason** only, based on concerns about traffic hazard and obstruction to road users.

The applicant is frustrated with this decision given the small size of the development and the fact that it is a significant improvement on the status quo in terms of potential impact on residential amenity and traffic movements. The traffic concerns are shown to be entirely unreasonable and do not take into account benefits of the scheme or the alternative scenario that will result if the car wash is refused and the space is used for workshop/office/residential car parking/deliveries. The concerns raised in third party submissions can be addressed by way of mitigation measures.

We now rely on the Commission to undertake an independent assessment and grant permission.

Please acknowledge receipt of this appeal in writing and send all future correspondence to this office.

2.0 BACKGROUND

2.1 Location

The subject site is located to the rear of Foxrock Service Station, on the east side of Westminster Lane (a short cul de sac lane) – see Fig No.1 below.



Fig No.1 Location of subject site (source: MyPlan.ie).

2.2 Description

The subject site currently consists of an open yard with an attended service pressure car wash infrastructure including 2 no. silt traps, car wash unit and drainage infrastructure. There is also a small dog wash machine.

Access to the site is via an arched entrance to the east from the service station.

Egress is via a gated entrance to the north onto Westminster Court.

The boundaries of the site are comprised of tall boundary walls – see photographs below.

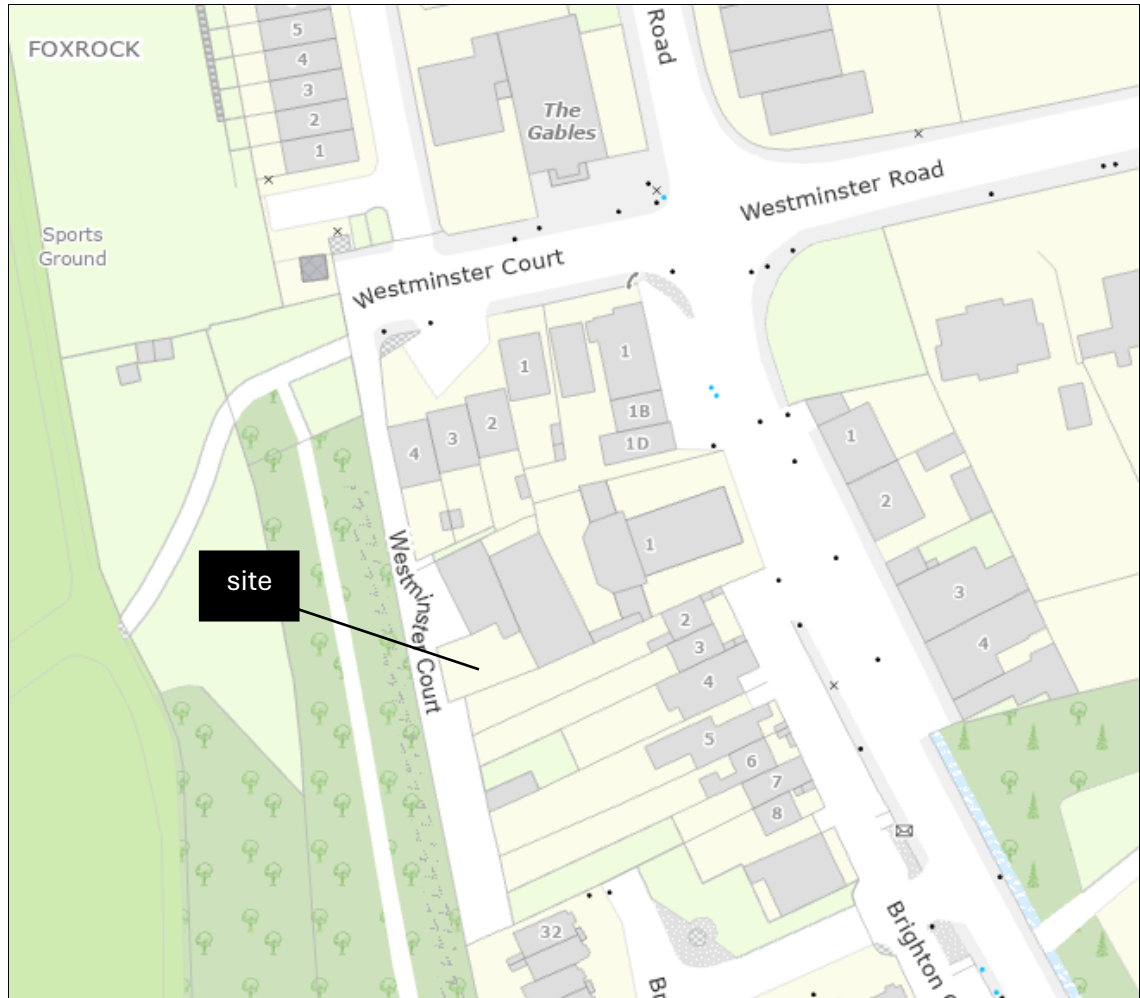


Fig No.2 Subject site outlined in red (Source: MyPlan.ie). The Lane is referenced as Westminster Court in this map but Lane by the Council and we therefore refer to it as Westminster Lane for clarity.



Fig No.3 Most recent satellite image of the subject lands



Fig No.4 Photograph of the car wash.



Fig No.5 Photograph of the access from the service station.



Fig No.6 Photograph of exit from the car wash facility.

2.3 Adjoining Lands

Foxrock Service Station which is owned by the applicant is located to the east.

Two workshop buildings are located to the north which have recently been acquired by the applicant – see dashed blue line on revised site location submitted with this appeal.

There is a residential dwelling to the south – No.2 Brighton Road. Specifically it is the rear portion of the large rear garden of this dwelling that borders the site.

Westminster Lane (cul-de-sac) is located to the west. The applicant has a **right of way** over this lane to access the site – see documents attached with this appeal. There is a barrier at the end of this lane restricting access to residents in the row of houses to the south of the site only (although our client informs us that only one of the houses in this actually uses the lane for vehicular access on a regular basis – 2 no. cars - this is supported by a review of Google Maps which only shows one rear access with a car parked).



Fig No.7 Entrance to Westminster Lane (north end).



Fig No.8 Exit from the site onto Westminster Lane.



Fig No.9 View from Westminster Lane into the site over the boundary wall showing the link to the site via the structure at the east side of the site.



Fig No.10 Access from the service station to the car wash – as viewed from the service station.



Fig No.11 Rear garden of No.2 Brighton Road bordering the site to the south.

2.5 Ownership

The site is owned by the applicant in its entirety.

Importantly the applicant has also recently acquired the neighbouring premises to the north of the site at the rear. This acquisition only occurred after the application was lodged and so was not included in the blue line boundary at the time of preparing the application. The acquisition also includes part of Westminster Lane.

Our client wishes us to highlight that while the workshop (which is sizeable) currently has a separate car park off Westminster Lane he will inevitably use the yard where the car wash is located if the car wash application is refused – which will increase the traffic movements in and out of Westminster Lane. This is not being stated in order to influence the decision but more as a statement of fact given it is a commercial premises and he obviously needs to make an economic return from the premises.

2.6 General Area

The general area is characterised by a mixture of commercial premises and residential dwellings.

3.0 PLANNING HISTORY

3.1 Introduction

This section involves a review of the planning history for the site and surrounding area in order to establish if there are any relevant planning permissions which are material for the purposes of this report.

3.2 Subject Site

There are no planning applications associated with the subject site.

A Warning Letter was issued in respect of the car wash which is the subject of the current application – ENF. GC 29326.

Neighbouring Premises

Permission was refused for The Lane Westminster Court for change of use from workshop to 2 no. two bed houses due to concerns about lack of private open space and building over a wayleave for a public sewer – D22A/009. Refusal upheld on appeal – Ref. APB-313126-22 – with substandard residential amenity and wayleave issues referenced again. Neither issue is relevant to the current application.

Planning Authority reg. ref. D95A/0206: Planning permission granted for the **retention and completion of extensions to workshop** at 1 Brighton Road (rear of Westminster Court). The floor area of development is stated to be 26sq.m. in a building of 245sq.m. on a site of 453sq.m. The use of the building was stated to be **engineering workshop and stores**. Permission was granted subject to 6 no. conditions.



Fig No.12 Site Location Map under Reg. Ref. D95A/0206

Our client informs us that the subject site was originally a yard for the adjoining workshop structure to the east (now used for access) and has been in long-term use for washing and valeting of cars (consistent with the overall industrial use).

Previously two workshops, an office and an apartment were located on the neighbouring premises to the north – which cumulatively would have generated significant traffic movements in their own right. According to our client the workshops were used for body repair and general workshops and included car washing and valeting.

4.0 DEVELOPMENT DESCRIPTION

4.1 Development Description

Retention permission is sought for retention of relocated carwash facility located to the rear of the existing service station. It is an attended pressure wash system.

Our client estimates that approximately 15 washes are carried out per day and this would rise to 25 on a very busy day which would be unusual.

The dog wash attracts approximately 2 washes per day.

It operates 7 days a week from 8am to 7pm.

A one-way system is used with access via Brighton Road, through the filling station, under a former workshop extension and exiting onto Westminster Lane.

The car wash facility previously operated from the service station to the east but was moved on account of building a new extension (on foot of planning permission under D21A/0734).

5.0 CONSISTENCY WITH PLANNING POLICY

5.1 DLR County Development Plan 2022-28

The site is zoned **Objective A**, with the objective *"To provide residential development and improve residential amenity while protecting the existing residential amenities"*. It is incorrectly referred to as Neighbourhood Centre in the DLR Planner's Report.

The service station to the east is zoned Neighbourhood Centre.

The site is within Foxrock Architectural Conservation Area.



Fig No.13 Extract from Map No.6 – DLR Zoning Map

6.0 COUNCIL DECISION

6.1 Decision

DLR County Council refused permission for a **single reason only** relating to the zoning objective for the site.

The reason for refusal related to the zoning objective only:

1. *The Planning Authority considers that the proposed development, comprising the retention of a relocated car wash facility to the rear of the existing service station, would result in an **intensification of use of both the existing vehicular egress from the site** onto The Lane at the rear of the subject site and the junction of The Lane with Westminster Court, Brighton Road, Foxrock. Having regard to the **substandard visibility** available to vehicles exiting at both locations, the Planning Authority considers that the increased traffic movements generated by the development would **endanger public safety by reason of traffic hazard and obstruction to road users**. The proposed development would **also set an unwelcome precedent** for future intensification of use of a restricted vehicular access onto Brighton Road and would, therefore, be contrary to the proper planning and sustainable development of the area. The proposed development would therefore conflict with and therefore does not accord with Section 12.4.8 of the County Development Plan 2022-2028 regarding Vehicular Entrances and Hardstanding Areas – bold emphasis added.*

Section 12.4.8 Vehicular Entrances and Hardstanding Areas

Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic

6.2 DLR Planners Report

The site description refers to the service station rather than the subject site of this application itself which is to the rear of the service station. There is no reference to the exit along Westminster Lane.

Principle	The wrong zoning objective is referred to in the report – NC rather than A.
Description	The development is noted to be modest and ancillary to the service station. Also it does not materially alter the character or appearance of the surrounding area.
Noise	No information submitted or hours of operation.
Traffic	No information provided regarding traffic generation, vehicle throughput or operational characteristics. Refusal recommended as per Transportation Dept recommendation.
Signage	No details of existing signage submitted.

4 no. third parties made submissions from the owners of Nos. 4, 5, 6 Brighton Cottages and 4 Westminster Court. The key issues raised were noise, pollution, traffic, spray.

It is critical to note that **No.2 Brighton Road** which is the adjoining residential property and which naturally is the residential property most likely to be affected **did not object**.

Transportation

A refusal was recommended on account of

- the relocated carwash facility located to the rear of the existing service station has resulted in an intensification of use of both the existing site vehicular access onto The Lane, Westminster Court, Brighton Road, Foxrock and the junction of The Lane with Westminster Court.

- irrespective of any measures that may be available to improve visibility at the site access, there is no mechanism available to the applicant to improve visibility at the junction of The Lane and Westminster Court, as the junction lies outside the applicant's ownership.
- the road safety concerns associated with the intensified use of the access arrangements cannot be satisfactorily addressed and recommend refusal of permission.

Note: these points are taken from the DLR Planners Report; there is no standalone Transportation Report online.

Drainage and Conservation Divisions had no objection.

The Environmental Department has no objections subject to conditions including noise, odour and operational hours.

The EHO sought further information concerning noise impact. Specifically a noise report ensuring that noise from the normal operations of the carwash shall be kept at such a level that it down not have a significant impact on the background noise levels at the façade of the any nearby residential units or noise sensitive location. Also restricted opening hours from 8am to 8pm.

7.0 GROUNDS OF APPEAL

7.1 Material Contravention

The Council have refused permission for one reason and there is no reference to materially contravening the development plan in the wording for that reason. Therefore the Commission are not restricted under section 37(2)(b) of the PDA 2000.

7.2 Traffic & Pedestrian Safety

The key refusal reason is the impact on traffic and pedestrian safety.

The refusal reason firstly raises concerns about an intensification of use of both the existing vehicular egress from the site onto The Lane at the rear of the subject site and the junction of The Lane with Westminster Court, Brighton Road, Foxrock. The Planning Authority considers that the increased traffic movements generated by the development would endanger public safety by reason of traffic hazard and obstruction to road users.

Response:

It is submitted to the Commission that the yard in question forms part of a workshop and no consideration has been given by the Council to the fact that the workshop would have generated/does generate traffic in its own right on Westminster Lane – which is the only means of access and egress for traffic. This is the baseline by which any assessment should be based in terms of intensification of this access.

As noted above the level of traffic is modest – approximately 15 washes are carried out per day and this would rise to 25 on a very busy day which would be unusual.

All the traffic travels one way in a northerly direction with no traffic generated in a southerly direction which is an important safety aspect.

The refusal reason then raises concerns about the substandard visibility available to vehicles exiting at both locations.

Response:

It is submitted to the Commission that Westminster Lane is a public road and the applicant has a right of way over same to access for his yard (and for the workshop which he has recently acquired).

The exit from the building is onto a very lightly trafficked lane with our client informing us that only one dwelling owner uses beyond his site. The nature of the access is such that any driver exiting the site has to do so in a slow and careful manner due to a lack of sightline. Warning signs are in place to this effect and staff guide cars out of the site. This is not unusual for backland laneways in an urban context. Critically if the car wash operation was not in situ the yard would revert back to an industrial use and cars would still be using this exit. On this basis we submit that it would be entirely unreasonable to refuse permission on this basis.

In relation to the junction with Westminster Lane and Westminster Court to the north there are good sightlines to the east in respect of oncoming traffic – which moves slowly in this area due to speed limits and parked cars on either side of the road.

Visibility to the west is restricted by a tall stone pillar at the entrance to Leopardstown Racecourse but there is a stop line at the entrance which gives right of way to those egressing Westminster Lane. There is full visibility of pedestrians in either direction and a pedestrian crossing. It is not clear therefore

why this junction is raised as a concern – particularly as it has served and will serve traffic associated with the workshop if the car wash has to stop.



Fig No.14 Google Streetview image of view from northern junction of Westminster Lane onto Westminster Court.

Finally the refusal reason states that the proposed development would also set an unwelcome precedent for future intensification of use of a restricted vehicular access onto Brighton Road.

Response:

It is submitted to the Commission that the development involves the relocation of an established attended car wash facility in the service station. It is not clear therefore on what basis the Council conclude that there will be an intensification of traffic movements. The same traffic that accessed the previous car wash off Brighton Road will now use the relocated car wash. This is what the applicant has experienced since it opened. There is no rational basis to deduce that there has been a material intensification of use and we consider this an entirely unreasonable basis for refusal without any empirical evidence to support such a statement.

Residential Amenity

Although it was not raised as a refusal reason, the DLR Planner's Report raises concerns over impact on the residential amenity of the dwelling owners to the south of the site.

Our client wishes to highlight in the first instance that the relocation of the car wash facility from the service station to the subject site was considered to be a significant improvement for the adjoining dwelling owner (No.2) as it is now further from the dwelling – at a location at the rear of a notably large rear garden behind a large mature tree and tall wall.

We note that the EHO recommended a grant of permission subject to conditions and the applicant is happy to accept these conditions. We urge the Commission to grant subject to these conditions.

We note that the operating hours in the conditions allow for one additional hour to that under which the facility operates – 8pm rather than 7pm. The applicant is happy to finish at 7pm as he wants to be a good neighbour.

The applicant is also happy to introduce a splash screen on the dwelling side of the car wash to prevent any spray from the car wash entering the residential property. This screen would also have the added benefit of reducing noise impact.

Alternative

It is important to highlight that the alternative situation is that the car wash facility reverts back to the original location in the service station and the yard is then used as part of the workshop units. This scenario will result in:

- a worse situation for the adjoining neighbour in terms of amenity
- traffic continuing to egress Westminster Lane
- increased traffic entering Westminster Lane (to access the workshops)
- traffic continuing to enter and egress Brighton Road.

While the car was relocated on account of the new extension there is still room to facilitate it at its original location.

Operating Hours

The details of the operating hours are provided as part of this appeal and are considered to be reasonable.

Signage

Details of the existing signage was not submitted with the application. The Commission are invited to include a condition of planning permission for a planning application for retention of the signage (which is internal to the yard and minor in nature) to be submitted within 3 months of the grant of permission.

Dog Wash

This is a minor ancillary facility which generates minimal use and is considered immaterial.

Modified Drawings

The appeal is accompanied by small modifications of the drawings submitted for planning permission. The drawings now show:

- Proposed new signage at service station side of the building (to stop general customers using the car wash entrance, albeit this has never been an issue to date).
- Location of dog wash facility and car park space.
- Location of acquired new workshop premises including part of Westminster Lane.
- The height of the boundary wall to be 2.5m rather than 2.25m (having been rechecked) which is a substantial physical barrier in terms of noise.

We submit that the proposed changes in these modified drawings are all minor and could have been requested by way of condition by The Commission.

Confirmation of Legal Right of Way

The appeal is accompanied by documents to show the applicant has a right of way over Westminster Lane.

8.0 CONCLUSION

The applicant seeks retention permission for an attended car wash facility in a yard at the rear of his filling station.

The applicant's parents took over the running of Foxrock Service Station in 1973 and he has been involved since that date. He has an interest in ensuring that the development operate in a manner that does not materially impact on neighbours was genuinely very surprised at the objections received – particularly as none of the objectors live directly adjacent to the site.

DLR Co. Co. refused permission for one reason relating to traffic concerns and concerns about impact on pedestrians. The DLR Planner's Report also raised concerns about impact on residential amenity even though the DLR EHO's Report recommended that such concerns be addressed by way of condition.

This appeal highlights that due consideration has not been given to:

- the traffic that has been and can be generated by the existing workshop on Westminster Lane
- the small scale nature of the traffic movements associated with the development (not as intense as being made out and not requested by way of a further information request)
- the one-way nature of the traffic generated by the car wash (safe),
- the lightly trafficked nature of the lane (only one car passes beyond the site),
- the nature of driver behaviour on this lane due to its narrow nature (slow and careful) and the traffic management by the applicant
- the nature of the junction with Westminster Court which gives priority to those existing from Westminster Lane.

Furthermore, consideration has not been given to the alternative which involves reverting to the status quo (which still generates industrial traffic along Westminster Lane, albeit in both directions; which still generates traffic entering and exiting onto Brighton Road and which increases the potential for impact on the residential amenity of the adjoining residential property owner).

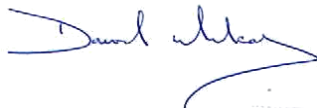
In relation to the issue of residential amenity we urge the Commission to impose the conditions recommended by the EHO and to condition the installation of a wash screen if deemed necessary.

It is also clarified that the operating hours are 8am-7pm in order to limit potential impacts on the neighbouring property.

Overall we submit that the refusal of this small scale development was unreasonable, particularly in the absence of information on traffic numbers and opening hours which could and should have been requested by way of a further information request.

We now rely on An Coimisiún Pleanála to overturn the Council's reason for refusal and grant planning permission.

Signed:



David Mulcahy

Ba. (Mod), MRUP, MSc Urban Design, MIPI, MRTPI

David Mulcahy Planning Consultants Ltd

CHARTERED PLANNING CONSULTANTS

Appendix A DLR County Council decision to refuse planning permission

Separate Enclosures

1. Documents showing applicant's right of way over Westminster Lane
2. Modified application drawings showing proposed new signage, dog wash facility, more accurate dimensions for boundary wall and recently acquired premises to the north.

Appendix A

DLR County Council decision to refuse planning permission dated 10th August 2026



Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire. A96 K6C9
 Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland. A96 K6C9
 T: 01 205 4700 E: info@dlrcoco.ie W: www.dlrcoco.ie

Joe Gorman
 Unit 1, Block B,
 Forest Park
 Mullingar, Co. Westmeath
 N91PK71

11-Aug-2026

NOTIFICATION OF DECISION TO REFUSE PERMISSION FOR RETENTION
Planning & Development Act 2000, as amended

Order Number P/1606/26	Date of Order 10-Aug-2026
Register Reference D26A/0457/WEB	Date Received 19-Jun-2026
National Portal Reference: 120000103146	

Applicant:
Development

Foxrock Motor Company Ltd
 Retention of relocated carwash facility
 located to the rear of the existing service
 station.

Location:

Foxrock Service Station, Brighton Road,
 Foxrock, Dublin 18, D18X2N0

Floor Area:
Time Extension up to and including:
Additional Information
Requested/Received:

Dear Sir / Madam

In pursuance of its functions under the above mentioned Act, Dún Laoghaire-Rathdown County Council, being the Planning Authority, did by Order dated as above make a decision to **REFUSE PERMISSION FOR RETENTION** in respect of the above proposal.

For the avoidance of doubt the reasons and recommendations set out in the planners report were generally adopted as set out in the Executive Order, this can be viewed at the Council Offices or the Council website.

For the **1** reason(s) on the attached numbered pages.

Please note that, in accordance with Section 251 of the Planning and Development Act 2000, as amended, "where calculating any appropriate period or other time limit referred to in this Act or in any regulations made under this Act, **the period between the 24th Day of December and the first day of January, both days inclusive, shall be disregarded**".

Signed on behalf of Dún Laoghaire-Rathdown County Council.

Sharon Peppard

for Senior Executive Officer



Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire. A96 K6C9
 Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland. A96 K6C9
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1. The Planning Authority considers that the proposed development, comprising the retention of a relocated car wash facility to the rear of the existing service station, would result in an intensification of use of both the existing vehicular egress from the site onto The Lane at the rear of the subject site and the junction of The Lane with Westminster Court, Brighton Road, Foxrock.

Having regard to the substandard visibility available to vehicles exiting at both locations, the Planning Authority considers that the increased traffic movements generated by the development would endanger public safety by reason of traffic hazard and obstruction to road users. The proposed development would also set an unwelcome precedent for future intensification of use of a restricted vehicular access onto Brighton Road and would, therefore, be contrary to the proper planning and sustainable development of the area. The proposed development would therefore conflict with and therefore does not accord with Section 12.4.8 of the County Development Plan 2022-2028 regarding Vehicular Entrances and Hardstanding Areas.

SUBMISSIONS/OBSERVATIONS

NOTE (1): In deciding this planning application, the planning authority, in accordance with Section 34 (3) of the Planning & Development Act, 2000, as amended, has had regard to any submissions or observations received in accordance with the Planning and Development Regulations 2001 - 2010, pertaining to this application.

REMOVAL OF SITE NOTICE

NOTE (2): The applicant is reminded that in accordance with Article 20 of the Planning and Development Regulations 2001 - 2012, any site notice erected or fixed pertaining to this application shall be removed (if not already done so) following receipt of this notification.