



An
Bord
Pleanála

Inspector's Report

ABP-321619-25

Development	Demolition of existing dwelling for the construction of 2 new dwellings and all associated site works.
Location	Hy-Brasil, Hainault Road, Foxrock, Dublin 18, D18 F3A3
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/0388
Applicant(s)	Daniel Givens & Shauna Carroll
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Daniel Givens & Shauna Carroll
Observer(s)	None
Date of Site Inspection	24 March 2025
Inspector	Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site (measuring c. 0.15 hectares) contains a two-storey detached house on the south-west side of Hainault Road, in Foxrock, Dublin 18. The house has single-storey extensions to both sides, front and rear gardens, a driveway entrance, and a separate pedestrian entrance. The site is bordered by similar detached two-storey houses to the northwest (1 Hainault Road, known as Sunglin) and to the southeast (5 Hainault Road, known as The Furrow). To the rear, it backs onto the rear gardens of bungalows at The Coppins.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing four-bedroom house (c. 194 sqm), subdivide the site, and construct two new non-identical detached houses as follows:
- 2.2. House A – 5 bedrooms, c. 338 sqm. 9.94 metres in height (two-storey with dormer attic accommodation). Garden room (c. 41 sqm, 4 metres ridge height) with gym, home office, shower room, and outdoor gym under veranda. All on an L-shaped site of 957 sqm, wrapping around the rear garden of House B.
- 2.3. House B – 4 bedrooms, c. 239 sqm. 9.53 metres in height (two-storey with dormer attic accommodation). All on a site of 515 sqm.
- 2.4. Each proposed house has new boundary walls, a vehicular entrance (reduced from 3.6 metres to 3.5 metres following a further information request) and two car parking spaces.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

Having regard to the nature of the proposed development, for the demolition of an existing dwelling, the proposed development would fail to accord with Policy Objective CA6: Retrofit, nor would it accord with the provisions of Section 12.3.9 Demolition and Replacement Dwellings of the Dun Laoghaire

Rathdown County Development Plan 2022-2028. The applicant has failed to provide a robust justification for the demolition of the existing dwelling on site, and failed to demonstrate that the existing dwelling has fallen into such a state of disrepair to render it uninhabitable or structurally unsound. Therefore, to permit the development, as proposed, would set an undesirable precedent for other similar development. The proposed development would, therefore, be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two reports, the first dated 24/7/24, the second dated 4/12/24.

- The report of 24 July 2024 noted the contents of the third party submission and the departmental reports, Development Plan policy and national policy, and the lack of justification submitted for demolition. It sought further information on this issue, on connection to Irish Water, and an amendment to the vehicular entrances and front gardens. It considered that subject to minor amending conditions the houses would have no undue impact on neighbouring residential amenity.
- The report of 4 December 2024 was not satisfied with the justification for demolition and noted the house was structurally sound and habitable, while noting the confirmation of feasibility from Uisce Éireann, and the revisions to the front gardens and vehicular entrances were acceptable. The report noted the outline planning permission for a house in the rear garden of the neighbouring site, and Section 12.3.9 of the County Development Plan, as well as noting the meagre uplift in density, and recommended refusal.

3.2.2. Other Technical Reports

- Transportation Planning – no objection subject to five conditions.
- Drainage Planning – no objection subject to two conditions.

- Environmental Enforcement Section – conditions recommended in the event of a grant.

3.3. Prescribed Bodies

Uisce Éireann – First report: confirmation of feasibility not yet issued, should be submitted to Planning Authority by way of Further Information. Standard condition recommended. Second report: no objection in principle subject to standard condition.

3.4. Third Party Observations

One received, from the neighbour to the north. Issues summarised as follows:

Overdevelopment of the site; visually obtrusive, overbearing development; overlooking, exacerbated by tree removal; loss of daylight and morning sunlight; potential nuisance from garden room, which should be omitted; contrary to zoning due to impact on neighbouring residential amenity.

4.0 Planning History

The planner's report noted no planning history on the site.

- The Furrow (house immediately to the south-east)

D24A/0108 – outline permission granted for detached dormer dwelling and site works, including boundary treatment and vehicular access. Demolition of existing garage.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown County 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.

5.1.4. 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 4.3.1.2 , 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 8 deals with Green Infrastructure and Biodiversity

Chapter 12 gives detailed guidance on Development Management.

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.

Section 12.3.7 deals with additional accommodation in built-up areas.

Section 12.3.7.7 Infill

In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban ‘Garden City’ planned settings and estates that do not otherwise benefit from ACA status or similar. (Refer also to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11).

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.

5.2. National Policy and Guidance

5.2.1. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

5.3. Natural Heritage Designations

- South Dublin Bay and River Tolka Estuary SPA 004024 – 3.7 kilometres
- South Dublin Bay SAC 000210 – 3.7 kilometres
- South Dublin Bay pNHA 000210 – 3.7 kilometres
- Fitzsimon's Wood pNHA 001753 – 3.5 kilometres
- Dalkey Coastal Zone and Killiney Hill pNHA 001206 – 3.5 kilometres
- Loughlinstown Woods pNHA 001211 – 3.5 kilometres
- Dingle Glen pNHA 001207 – 2.6 kilometres

5.4. EIA Screening

See completed Form 1 and 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received against refusal, from the first party. Included with the appeal were the following documents in support:

- Sustainability & Demolition Justification Report
- Design Rationale and Justification for Proposed Development

Issues raised include the following:

- Proposal complies with all national policy documents and the Development Plan
- The existing dwelling is of no architectural merit, and makes suboptimal use of the site.
- The existing house has a BER of F. A substantial extension would be required (c. 382.16 sqm) to achieve a BER rating of B3, which falls short of the Government of Ireland's National Retrofit Plan targets. Any extension above or below the 382.16 sqm would not improve the BER rating. The airtight new builds have a BER of A2. It would take just 2 years for the total carbon emissions of the refurbished and extended property to exceed those of the new build houses. Refurbishing the existing house and pursuing backlands development would also have significant energy impacts.
- The proposed new houses are well designed, appropriate to the street, and this was confirmed by the planner's report of the planning authority.
- The development complies with Policy PHP18, Policy PHP19, and would promote compact growth and density existing built up areas.
- The development complies with Policy CA6 – Retrofit and Reuse of buildings, as set out in the Sustainability & Demolition Justification Report
- Regarding Section 12.3.9 of the plan, the proposed development is not for a 'single replacement dwelling', and as such it is not necessary to demonstrate that the house is uninhabitable. The development when 'weighed against other factors' is justified, as the only outstanding issue is demolition, and all other issues are addressed.
- Precedents include ABP313301-22 (D21A/0835), D23A/0009, D23A/0030, ABP319952-24 (D23A/0662), D24A/0667/WEB, D24A/0862/WEB.
- The Design Rationale and Justification for Demolition report sets out four options, which were considered in turn.

1. Refurbishment of the existing house, and its extension to 576.73 sqm (a theoretical figure to compare with the area of the new houses). This was rejected due to the substandard design layouts and fabric of the existing house. A smaller extension would result in higher operational emissions.
2. Refurbishment of the existing house, and construction of a house in the rear garden, as per the neighbouring outline permission. This was rejected due to the limitations of the design of the existing house, and the compromised design of the backlands development.
3. Demolition of existing house and replacement with 3 dwellings. This option was rejected as each house would be substantially smaller 3-bedroom dwellings, unsuited to the applicant's needs as a family.
4. Demolition of existing house and replacement with 2 dwellings. This was considered the optimum proposal, with two side-by-side houses more consistent with the pattern of development on the street, and providing a better design of house and more efficient use of the site, as well as being more sustainable.

6.2. Planning Authority Response

Response received dated 29 January. The Planning Authority did not consider that the grounds of appeal raised any new matter which would justify a change of their attitude, and referred the Board to their previous report.

6.3. Observations

None received.

6.4. Further Responses

None received.

7.0 Assessment

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the report 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 issue in this appeal to be considered is as follows:

- Demolition of the existing house

7.2. Demolition of the house

- 7.2.1. Permission was refused for a single reason, referring to a failure to accord with *Policy Objective CA6: Retrofit and Reuse of Buildings*, and a failure to accord with the provisions of *Section 12.3.9 Demolition and Replacement Dwellings*.
- 7.2.2. Policy Objective CA6 refers to all buildings, while Section 12.3.9 refers to dwellings specifically. Policy Objective CA6 contrasts “*the retrofitting and reuse of existing buildings*” with “*their demolition and reconstruction*”, and is prescriptive rather than advisory; it requires the former where possible.
- 7.2.3. There is no definition of ‘reconstruction’ in the Planning and Development Act. In my view, it requires some degree of like-for-like replacement. The demolition of one house and the construction of two in its stead might be considered a reconstruction, if the footprint and/or the envelope was replicated. This is not the case here. I note the supporting text in the following section: “*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).*”
- 7.2.4. This is a proposal for two detached houses side by side. The existing building cannot be incorporated into this proposed new layout. The increase from one house to two houses is a small increase in absolute terms (one additional unit), but a significant increase in percentage terms – it is a doubling of the density on the site. In my view, the development can be considered under Section 12.3.9, and is not precluded by Policy Objective CA6.
- 7.2.5. Section 12.3.9 sets out the planning authority’s preference for the deep retro-fit of structurally sound habitable dwellings, unless a strong justification has been put forward by the applicant. I have considered the Structural Condition Survey submitted as Further Information, and undertaken a site visit, including of the interior of the house, and do not consider the condition of the house to constitute a strong

justification for demolition. While there are a number flaws identified, these are relatively minor, typical of older houses, and not irremediable.

- 7.2.6. The appellant has submitted a Sustainability Report comparing a DEAP survey of the existing dwelling, the existing dwelling with a proposed 382.16 sqm extension and retrofit, and of the proposed new houses. It finds that a Deep Renovation and Extension to the house would result in an energy rating of B3, while the new builds would have an energy rating of A2, with the existing house having an energy rating of F.
- 7.2.7. I have some concerns about the DEAP for both the existing and refurbished extended house. The DEAP for the existing house indicates single-glazed windows throughout, while double-glazed windows were observed on site. The proposal for the extended and refurbished house makes no changes to the hot water heating system, the boiler, or the external doors, and makes no provision for solar panels. Additionally, while it is understandable that the applicant wants to make a like-for-like comparison with the proposed new build, the proposed theoretical construction of a 382 sqm extension is unorthodox. As such, I have concerns about the accuracy of the Life Cycle Assessment, which uses the energy consumption figures from the DEAP assessments.
- 7.2.8. I note the precedents cited by the appellant – a number of these involved uninhabitable houses. However, the planner's reports for both D24A/0862/WEB (demolition of one house for construction of four) and D23A/0009 (demolition of one house for construction of 2) did note that the more efficient use of the site and the uplift in numbers of residential numbers was a justification for the demolition of the house on the site. 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. 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.
- 7.2.9. Regarding the possibility of the provision of a new house to the rear, as set out in the planner's report, I note that this is not a proposal before the Board. The *Design Rationale and Justification* submitted with the appeal sets out a number of reasons

why the proposed development, with two side-by-side houses, is a more efficient use of the site than that proposal. There would be smaller front gardens and larger back gardens, providing more visually private outdoor amenity space. Parking and access is required to the front only, with no rear garden area sacrificed to car access. Larger, taller houses are possible than the dormer bungalows typical of backlands development. Houses with wide but shallow back gardens have more overshadowed amenity space than those with longer but narrower back gardens. I find these arguments persuasive and justified, having regard to Development Plan policy and guidance; the provision of a house to a backlands area is naturally constrained by its location to the rear of an existing house.

7.2.10. The existing house on the site is of no architectural interest or special character.

Policy Objective HER20: Buildings of Vernacular and Heritage Interest and Policy Objective HER21: Nineteenth and Twentieth Century Buildings, Estates and Features, are not applicable. I do not consider it to be a distinctive dwelling, and it does not have landscaped gardens to speak of.

7.2.11. On the whole, I find the applicant has provided a strong justification for the demolition of the habitable house, given the provision of two houses in replacement, the natural constraints involved in providing backlands development, and the design benefits of the standard street-facing orientation.

7.3. Other matters

Residential Amenity

I note the Planning Authority had no objection to the design of the proposed houses, subject to minor conditions. The proposed houses are generously sized, and would comply with relevant Development Plan policy and Ministerial Guidelines, with no undue impact on neighbouring residential amenity.

Car Parking

Two car parking spaces are shown per house on the drawings submitted with Further Information. Parking limits are set by SPPR 3 of the Compact Settlement Guidelines 2024, which overrule the Development Plan standards referred to in the Planner's Reports. Considering the location of the house relevant to the public transport available in the area (the nearest bus stop is c. 700 metres away, and it

offers a reasonably frequent service), in the context of Table 3.8 of the Ministerial Guidelines, the site is considered a peripheral one, and the car parking provision is acceptable.

Landscaping and Trees

An Arboricultural report was submitted for a single ash tree, assessed as category C, with a neighbour's Sitka Spruce in close proximity also listed on the tree schedule and shown on the tree survey plan. The ash tree was stated to have symptoms of ash dieback, and it is proposed to remove it to facilitate construction. A number of mature trees in the garden, which contribute to mutual privacy, have not been included on the tree schedule or tree survey plan. Minimal details have been submitted on proposed landscaping. A revised landscaping plan, showing trees to be retained and removed, should be submitted prior to commencement of development in the event of a grant of permission, in the interests of biodiversity protection and green infrastructure.

Development Contributions

The proposed development is not exempt from the requirement to pay development contributions under the Dun Laoghaire Rathdown Development Contribution Scheme 2023-28. It does not fall within an area where a supplemental Section 48 Scheme or a Section 49 Scheme would apply.

Technical Details

A number of departmental reports and Uisce Éireann recommended conditions in the event of a grant of permission, in the interests of orderly development and compliance with Development Plan policy. These are reasonable.

8.0 AA Screening

- 8.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

I recommend a grant of permission.

10.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2022-28, the guidance set out in Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the size, nature, character, and location of the site, the proposed increase from one to two dwellings, and the justification set out in the Design Rationale submitted with the appeal, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 8th day of November May 2024, except as may otherwise be required in order to comply with the following conditions.
Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
Reason: In the interest of clarity.
2. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate

and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

3. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in accordance with Section 94 and Section 96 of the Planning and Development Act 2000, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

4. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

5. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase

controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection and neighbouring residential amenities.

6. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.

(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity, mutual visual privacy, and protection of biodiversity.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) Existing trees, hedgerows and boundary treatments, specifying which are proposed for retention as features of the site landscaping

(ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs,

(iv) Hard landscaping works, specifying surfacing materials

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within

a period of two years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity, and compliance with Development Plan policy and guidance on Green Infrastructure and Biodiversity and Invasive Species.

8. The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.

Reason: To provide adequate water and wastewater facilities.

9. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

10. The existing vehicular entrance shall be closed up and the proposed new vehicular entrances be provided, with the required amendments to the footpath, dishing, and grass verges, to the standards and specifications of the Local Authority. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interests of visual amenity and road safety.

11. Appropriate infrastructure shall be installed to facilitate charging points for electrical vehicles for each house.

Reason: to comply with section 12.4.11 Electrically Operated Vehicles of the Development Plan.

12. The proposed parking areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for Sustainable Urban Drainage Systems (SuDS) and in accordance with Section 12.4.8.3 of the County Development Plan.

Reason: to comply with regional and Development Plan guidance, and to prevent flooding.

13. All necessary measures shall be taken by the applicant and contractor to:

- a) Prevent any mud, dirt, debris or building material being carried onto the public road or adjoining properties as a result of the site construction works
- b) Repair any damage to the public road arising from carrying out the works
- c) Avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

Reason: in the interests of orderly development and road safety.

14. The permitted garden room shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies, or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such. It shall not be put to any commercial use, or separated by lease or sale from the dwelling and garden.

Reason: in the interests of neighbouring residential amenity, and to clarify the extent of the permission.

15. The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

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

Natalie de Róiste
Planning Inspector

1 April 2025

Form 1

EIA Pre-Screening

ABP Case Reference	ABP-321619-25		
Development Summary	Demolition of existing house, construction of 2 houses		
Development Address	Hy-Brasil, Hainault Road, Foxrock, Dublin 18, D18 F3A3		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	☒
		No	☐
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	☒	Class 10(b)(i) Construction of more than 500 dwelling units	Proceed to Q3.
No	☐		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	☐		EIA Mandatory EIAR required
No	☐	Class 10(b)(i) Construction of more than 500 dwelling units	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	☒	2 dwelling units	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	☒	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes	☐	Screening Determination required	

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321619-25
Proposed Development Summary	Demolition of existing house, construction of 2 houses and all site works
Development Address	Hy-Brasil, Hainault Road, Foxrock, Dublin 18
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. 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).	Demolition of one house, to facilitate construction of two, and all associated site works. The size is not exceptional. The development would not be exceptional in the context. The development would not result in the production of significant waste, emissions, or pollutants.
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, cultural or archaeological significance).	The location is a suburban environment, a built up area. The development would not have the potential to significantly impact on an ecologically sensitive site or location.
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).	There are no likely significant effects on the environment.
Conclusion	
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)