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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D23A/0482**

**APPEAL** by Rachel Maunsell and Rónán Maher of 78C Beaumont Avenue, Dublin and by L'Ombre Property Limited care of Kieran O'Malley and Company Limited of 2 Priory Office Park, Stillorgan Road, Blackrock, Dublin against the decision made on the 19<sup>th</sup> day of July, 2024 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to the said L'Ombre Limited.

**Proposed Development:** Permission to carry out the following works: (a) retention of site works (with no buildings having been constructed) carried out pursuant to, and prior to the expiry of, Planning Permission Number D16A/0783, including elements of partly constructed walls and demolition of outbuildings, and (b) completion of two number part two-storey, part three-storey semi-detached townhouses with individual gardens and parking, to be accessed from existing entrance (modified) to the south, in accordance with designs granted permission under D16A/0783. The subject site was within the curtilage of a Protected Structure at the time of the grant of D16A/0783 at Rear of Mountainview House, Beaumont Avenue, Churchtown, Dublin as revised by the further public notices received by the planning authority on the 24<sup>th</sup> day of June 2024.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Reasons and Considerations**

Having regard to the relevant provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, to the planning history of the site, to the site location adjoining a protected structure and to the specific internal layout and fenestration of the proposed units, it is considered that the proposed development, by reason of its height, layout, fenestration, and use of materials would not respect the height and massing of the protected structure and would seriously injure the residential amenity of potential future residents by reason of a substandard form of layout of, and aspect from, the first floor bedrooms. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board concurred with the assessment of the Inspector that the height and massing of the proposed dwellings would negatively impact the protected structure and that the corresponding recommendation to omit the proposed second floor might provide a more appropriate built relationship with adjacent properties. However, the Board further considered that the composition of the façade is unresolved, the proposed material palette is disharmonious with the adjacent protected structure and that the residential amenity for potential future occupants is diminished particularly with regards to daylight and sunlight to first floor bedrooms. Furthermore, this issue is especially important given the recommendation of the Inspector to reduce the proposed dwellings from four to two bedrooms. The Board considered the extent of redesign required to resolve these issues could not be adequately addressed by the application of conditions.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board



Dated this 26<sup>th</sup> day of February, 2025