

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dún Laoghaire-Rathdown County**

**Planning Register Reference Number: D15A/0374**

An Bord Pleanála Reference Number: PL 06D.245829

**APPEAL** by Samatha Kenny and Keith Bradley of 84 Beaumont Avenue, Churchtown, Dublin and by Frank and Geraldine McEnaney and others care of 73 Beaumont Avenue, Churchtown, Dublin against the decision made on the 9<sup>th</sup> day of November, 2015 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Mountainview Properties Limited care of ODOS Architects of 37 Drury Street, Dublin.

**PROPOSED DEVELOPMENT:** (as revised by further public notice received by the planning authority on the 14<sup>th</sup> day of September, 2015), Construction of three number three bedroom three-storey townhouses adjacent to the existing house, a protected structure, demolition of existing non-original single storey rear extension to existing structure, construction of a part one-storey, part two-storey extension to the rear; refurbishment and renovation of existing dwelling; removal of non-original windows to the front elevation of existing house and replacement with slimline timber sash windows to match the original; demolition of existing derelict one and two-storey outbuildings (previously granted planning permission, planning register reference number D14A/0445), repositioning of vehicular entrance to Beaumont Avenue inclusive of all associated site works, and change of use of the existing dwelling, Mountainview House, from its current use as office block back to residential, all at Mountainview House (a protected structure), Beaumont Avenue, Churchtown, Dublin.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **REASONS AND CONSIDERATIONS**

Having regard to its scale, extent, materials/finishes and location within the curtilage of a protected structure, it is considered that the proposed development would constitute the overdevelopment of a restricted site, and would have a detrimental and irreversible impact on the character and setting of Mountainview House. The demolition of the boundary walls and of the walls bounding the front curtilage of the house, the removal and replacement of the existing entrance, the removal of landscaping, and the incorporation of the front curtilage into a car park, would result in the removal of the features that frame the setting of the protected structure and that contribute significantly to its character, and would, by the nature and intensity of its proposed uses serving four houses, seriously detract from the visual amenity of the front curtilage and of Mountainview House. The proposed development would, therefore, be contrary to the provisions of the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht (2011) and would 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 considered that the proposed development would constitute an unacceptable scale of intervention into the setting of the protected structure, having particular regard to the contribution that the features to be removed make to the character of the house. The proposed development would result in the overdevelopment of the front curtilage of the house, by reason of its cramped layout, which would not adequately serve the proposed development, and which would materially affect the character and setting of the protected structure.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**