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**Planning and Development Act 2000, as amended**

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

**Planning Register Reference Number: D25A/0576**

**Appeal** by Michael O'Kane against the decision made on the 4<sup>th</sup> day of September, 2025 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** Demolition of a single storey rear garage and construction of a new two-storey two-bedroom detached dwelling and ancillary site works at 'Melmount', 64 Beech Park Road, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.**

## Reasons and Considerations

Having regard to the National and regional policy support for compact growth and residential consolidation within existing built-up areas, including infill development on serviced urban lands, to the Dún Laoghaire–Rathdown County Development Plan 2022–2028, and zoning Objective A which seeks “To provide residential development and improve residential amenity while protecting the existing residential amenities” under which residential development is permitted in principle, the Commission considered that the proposal is an acceptable form of residential consolidation within an established suburban area. The Commission also had regard to the site's context within the side/rear garden of an existing dwelling on Beech Park Road, the established residential pattern, and the quantitative compliance of the new unit with development plan standards for internal floor area, private open space and car parking, as identified in the inspector's assessment.

In particular, the Commission had regard to the revised design submitted with the appeal, including the replacement of the pitched roof with a lower flat roof, the omission of the first-floor front balcony, the provision of 1.8-metre-high privacy screens to the rear terrace and strengthened boundary treatment, and the retention of a first-floor eastern side window, subject to obscure glazing. Having regard to these revisions, and subject to the imposition of appropriate conditions, the Commission was satisfied that the development would not be unduly overbearing on adjoining dwellings, that overlooking would be reduced to an acceptable level, and that the proposed contemporary dwelling could be assimilated without significant adverse impact on the character of the streetscape or the amenities of properties at numbers 64 and 66 Beech Park Road.

Accordingly, the Commission concluded that, subject to the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties, would be acceptable in terms of design, scale and layout, and would be in accordance with national and regional policy objectives for compact urban growth and with the provisions of the development plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the inspector's recommendation to refuse permission, the Commission had particular regard to the fact that the principle of a detached dwelling on this serviced, Objective A-zoned, side/rear garden site was accepted in the inspector's assessment, and that the proposed unit meets the relevant quantitative standards for internal floor area, private open space and parking. The Commission also noted the inspector's conclusion that, in its revised flat-roof form, the proposal would not have a demonstrable overbearing impact on number 66 Beech Park Road, given the screening provided by existing garage and garden structures along the common boundary.

The Commission was further satisfied that the amendments submitted at appeal stage - namely the reduction in overall height through removal of the pitched roof, the omission of the first-floor front balcony, the introduction of 1.8-metre-high privacy screens to the rear terrace and strengthened rear boundary treatment, together with the retention of a first-floor eastern side window subject to obscure glazing - materially reduce the potential for overlooking and perceived bulk relative to the scheme refused by the planning authority. In this context, and subject to the attachment of conditions controlling glazing, boundary treatment and future alterations, the Commission considered that the remaining level of mutual overlooking and visual presence is consistent with that typically experienced in established suburban areas and would not amount to a serious injury to residential amenity or to the character of the streetscape.

## 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 to the Commission on the 25<sup>th</sup> day of September 2025, 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 dining area window to the eastern elevation shall be included as originally proposed and shall be fitted with permanently obscured glazing.

**Reason:** To protect the privacy of the adjoining dwelling.

3. Details of the materials, colours, and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.



5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

**Reason:** In the interest of public health.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

8. An electric vehicle charging point shall be provided. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

9. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

10. Site development and building works shall be carried out only 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 will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, with the exception of rooflights only, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

12. 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 Coimisiún 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.

  
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**Declan Moore**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this 26<sup>th</sup> day of JANUARY 2026.