

An  
Coimisiún  
Pleanála

**Commission Order**  
**PL-500830-DR**

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

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

**Planning Register Reference Number: D25A/0899/WEB**

**Appeal** by Samantha Kenny and Keith Bradley and by Sasha Smolin and Iwona Bednarska against the decision made on the 27<sup>th</sup> day of January, 2026 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to L'Ombre Property Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of two number four-bedroom, two-storey, semi-detached houses, surface level car parking with access at the existing entrance to the south of Mountain View House and ancillary site development works, including a new shared boundary wall with Mountain View House, all at rear of Mountain View House, Beaumont Avenue, Churchtown, Dublin (a protected structure).

## Decision

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

## Reasons and Considerations

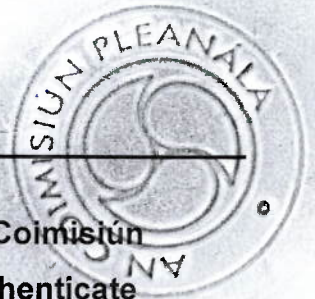
Notwithstanding recent substantial changes to the general layout, the site proposed for development still lies within the curtilage and attendant grounds of Mountain View House, a Protected Structure (Recorded Protected Structure Number 1007). Having regard to the specific design, the absence of any visual break in the massing and/ or materials of the proposed structure, the roof profile, the limited separation between first floor fenestration and the roofline, and the overall 'squat appearance' of the proposed two-storey semi-detached dwellings, the Commission is not satisfied that the development has demonstrated the level of subservience and sensitivity required for new works within the setting of a Protected Structure. The proposal does not sufficiently comply with the requirements of Policy Objective HERS and Section 12.11.2.3 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, which seek to ensure that development within the curtilage of a Protected Structure protects and enhances its character, setting and special architectural interest. The Commission is therefore not satisfied that the proposed development would preserve the special character or setting of Mountain View House. 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 Commission agreed (instead) with the planning authority's Conservation Officer that the 'architectural expression, bulk and massing of the current proposal are insufficiently sensitive to the character and setting of the Protected Structure and represent a regression compared with earlier (more contemporary) schemes', and noted that the planning authority's Senior Executive Planner concurred that the 'design of the proposed development is not optimal for a site within the curtilage of a Protected Structure, and that a more contemporary design would be preferable'. The Commission also noted that, subject to a more contemporary design, the height of any new dwellings could exceed the eaves of the adjacent Protected Structure while remaining subservient to it. The Commission agreed with the Inspector's assessment that the proposed two storey development would not give rise to unacceptable overlooking, unacceptable impacts on the amenity space of Mountain View House, traffic safety concerns or drainage issues, subject to appropriate conditions.



**Declan Moore**

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



Dated this 9<sup>th</sup> day of JUNE 2026.