



## Inspector's Report

**PL-500830-DR-26**

**Development**

PROTECTED STRUCTURE:

Construction of two 4 bedroom, 2 storey, semi-detached houses.

**Location**

Rear of Mountain View House (A Protected Structure), Beaumont Avenue, Churchtown, Dublin 14

**Planning Authority**

Dun Laoghaire Rathdown County Council

**Planning Authority Reg. Ref.**

D25A/0899/WEB

**Applicant(s)**

L'Ombre Property Ltd.

**Type of Application**

Permission

**Planning Authority Decision**

Grant Permission + Conditions

**Type of Appeal**

Third Party Normal Planning Appeal

**Appellant(s)**

Samantha Kenny & Keith Bradley  
Sasha Smolin & Iwona Bednarska

**Observer(s)**

None

**Date of Site Inspection**

06<sup>th</sup> May 2026

**Inspector**

Bernadette Quinn

## 1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.061ha, is located to the rear of Mountain View House on the western side of Beaumont Avenue in Churchtown, Dublin 14. The site is a vacant brownfield site and is generally rectangular in shape with an extension to the south-east where vehicular access is located from Beaumont Avenue to the south of Mountain View House. The ground level of the appeal site has been lowered in part with levels indicated between 55.15 in the centre of the site rising to approx. 56.00 at the site boundaries. Mountain View House has site levels of approx. 57.00.
- 1.2. The area around the appeal site is characterized by existing residential and commercial development. No. 84 Beaumont Avenue (a detached bungalow) adjoins to the south, Mountain view House, a detached two-storey dwelling and Protected Structure to the east, No. 78C Beaumont Avenue (an end-of-terrace dormer dwelling) to the north and Churchtown Business Park to the west.
- 1.3. The site is enclosed by blockwork boundary walls on its north, south and western boundaries. The eastern boundary separating the site from Mountain View House is comprised of temporary fencing.
- 1.4. The site is located approx. 1km west of Dundrum Luas stop and Dundrum village.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of 2 no. 4 bedroom, 2 storey, semi-detached houses, surface level car parking with access at the existing entrance to the south of Mountain View House (a protected structure), and ancillary site development works including a new shared boundary wall with Mountain View House at rear of Mountain View House (A Protected Structure).
- 2.2. The proposed dwellings have a hipped roof with a ridge height of 7.61m above ground level and eaves height of 5.4m and an overall length of 20.5m and side elevation width of between 7m and 10.2m. The dwellings have a total floor area of

345 sq.m. and material finishes comprise off-white brick on all elevations and blue-black-grey slate roof. A ground floor level of 56.19 is proposed.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On 27<sup>th</sup> January 2026 Dun Laoghaire Rathdown County Council (the PA) granted permission subject to 10 conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The report of the Planning Officer can be summarised as follows:

- The proposal for two storey dwellings instead of the previously permitted 3 storey dwellings attempts to resolve the height, massing and visual impact concerns highlighted by ACP.
- Concerns raised by the DLR Conservation Officer are noted.
- The design is considered inappropriate as it fails to enhance the setting of the protected structure and is not regarded as best practice for the provision of new dwellings within the curtilage of a protected structure. A more contemporary architectural approach is considered more appropriate, notwithstanding the stated intention to reflect the character of the protected structure.
- The PA concurs with the Conservation Division assessment that the proposal would have a detrimental effect on the character and setting of the protected structure.
- There are no directly opposing windows to the fenestration on the front and rear elevations.
- There are concerns in relation to potential loss of privacy for Nos. 84 and 78C Beaumont Ave as their rear amenity spaces would be overlooked from the bedroom windows of the two proposed dwellings and obscure glazing is not proposed to these windows.

- Having regard to the scale and nature of the proposal it would not result in unacceptable adverse impacts on the amenities of existing adjoining residential properties by way of overlooking, overshadowing or overbearance appearance.
- In relation to Development Plan criteria relating to infill/backland development in Section 12.3.7.6, it is considered that the quality of the proposed design is not of sufficiently high standard and represents a regression in design quality when compared with previously submitted applications.
- Having regard to Policy HER8 and Section 12.11.2.3 of the Development Plan and the emphasis on high-quality infill under Chapter 12 the proposal is considered to result in adverse visual impacts on the protected structure.
- The principle of 2 dwellings is acceptable, however the specific design proposed does not meet the standard required for development within the curtilage of a Protected Structure.
- It is recommended that permission is refused for the following reason:

The site lies within the curtilage and attendant grounds of Mountain View House, a Protected Structure (RPS No. 1007). Having regard to the design, height, roof profile and overall form of the proposed two-storey semi-detached dwellings, the Planning Authority 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 HER8 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 Planning Authority is therefore not satisfied that the proposed development would preserve the special character or setting of Mountain View House. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.

A report of the Senior Planner dated 27/01/26 can be summarised as follows:

- The recommendation of the planner's report is not concurred with and permission should be granted.
- It is concurred that the design of the proposed development is not optimal for the site in the curtilage of a protected structure and a more contemporary design would be preferable, however, given the orientation and positioning of the proposed houses relative to the protected structure, the design as proposed is acceptable in this instance.
- The Drainage Planning Section request for further information can be addressed by condition.
- It is considered that the development would not detract from the amenities of the area and is consistent with the provisions of the development plan.

### 3.2.2. Other Technical Reports

Environmental Health Officer: No objection noted

Environmental Enforcement: No objection subject to conditions

Transportation Planning: No objection subject to conditions

Drainage Planning: Further information requested in relation to disposal of surface water run-off.

Conservation Division: The Planning Officers report includes an extract from a report of the Conservation Division which states that the scheme is not supported. The report states that the proposal is an inferior architectural scheme that fails to enhance the setting of the Protected structure; the development as proposed is contextually inappropriate; the proposal would set a poor precedent; it visually detracts from the protected structure and fails to comply with Development Plan policy objective HER 8 and Section 12.11.2.3.

### 3.3. **Prescribed Bodies**

Uisce Eireann: Further information requested in relation to requirement for a pre-connection enquiry.

### 3.4. **Third Party Observations**

Three observations received, issues raised include concerns relating to construction impacts, construction quality, height, form, massing, design and layout not in compliance with development plan standards, impact on protected structure, residential amenity impacts on neighbouring properties including overshadowing, overlooking and loss of sunlight, inadequate car parking, traffic hazard, inadequate open space, fails to comply with policy relating to backland, corner site and infill development, failure to address previous refusal reasons, boundary treatments, surface water proposals, landscaping, vehicular access, and visual impact.

#### 4.0 Planning History

Appeal Site:

The application site has an extensive planning history which is outlined in full in the Planning Officer's report. Recent relevant applications are as follows:

D23A/0482/ABP-320570-24: Permission granted by the PA and refused on appeal by ACP for retention of site works carried out under permission D16A/0783 and completion of 2 dwellings. ACP refusal reasons relate to concerns that the proposal would not respect the height and massing of the adjoining protected structure.

D16A/0783/E1 & D16A/0783/E2: Applications to extend the appropriate period refused by the PA.

D16A/0783 / PL06D.248429: Permission granted by the PA and ACP for change of use of Mountain View House from offices to residential use and construction of 2 no. 4 bedroom dwellings.

D15A/0374 / PL06D.245829: Permission granted by the PA and refused by ACP for 3 no. 3 bedroom 3 storey townhouses. ACP refusal reason relates to overdevelopment and impact on the character and setting of Mountain View House.

D14A/0445: Permission granted subject to 2 no. conditions for the demolition of derelict outbuildings subject to conditions.

## 5.0 Policy Context

### 5.1. Development Plan

The Dún Laoghaire Rathdown County Development Plan, 2022-2028 is the statutory development plan for the area. The site is zoned Objective 'A' residential with the objective to: 'provide residential development and improve residential amenity while protecting the existing residential amenities' under which residential development is listed within the 'Permitted in Principle' category of this zoning objective.

Chapter 4: Neighbourhood – People, Homes and Place

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 PHP20: Protection of Existing Residential Amenity.

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.

In Chapter 11 Section 11.4.1.2 includes Policy Objective HER8: Work to Protected Structures and includes that it is a policy objective to, inter alia, protect structures included on the RPS from any works that would negatively impact their special character and appearance; Ensure that any development, modification alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials; and Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant

grounds that would adversely impact on the special character of the Protected Structure.

Chapter 12 sets out Development Management criteria wherein Section 12.3.7.6 outlines standards relating to backland development, Section 12.3.7.7 outlines standards relating to infill development and Section 12.11.2 relates to works to Protected Structures.

Appendix 4: Record of Protected Structures: RPS 1007 relates to Mountain View House located immediately east of the appeal site.

## 5.2. **Section 28 Ministerial Guidelines**

The following ministerial guidelines are considered relevant to the appeal site:

Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) outline that in city urban neighbourhoods it is a policy and objective of the Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. The following Specific Planning Policy Requirements (SPPR) are relevant:

- SPPR 1 requires a separation distance of at least 16 metres between rear opposing windows above ground floor level. Separation distances below 16 metres may be considered where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- SPPR 2 sets out minimum private open space requirements for houses with a 4+bed house requiring a minimum of 50 sq.m.
- SPPR 3 requires that in city urban neighbourhoods car-parking provision should be substantially reduced.
- SPPR 4 relates to cycle parking and storage and states that a general minimum standard of 1 cycle storage space per bedroom should be applied.

## 5.3. **Natural Heritage Designations**

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) are located approx. 4.5km to the northeast of the site.

## 5.4. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Two no. third party appeals have been received from Samantha Kenny and Keith Bradley; and from Sasha Smolin and Iwona Bednarska.

The main issues raised are summarised as follows:

#### *Impact on Residential Amenities*

- Failure to comply with Development Plan requirements relating to infill, corner/side garden and backland development in Section 12.3 and Section 4.3.1 including the requirement that development should be one storey except in exceptional circumstances.
- Failure to have regard to the planning history of the area, including permission refused under reference D22A/0660 on a neighbouring site and permission refused on the appeal site, reference D23A/0482. The basis for the permission relates to a flawed scheme that was permitted on the site, reference D16A/0783.
- The proposal does not achieve the required separation distances of 22m to adjoining properties resulting in overlooking and does not address previous refusal reasons in this regard. Previous requirements for obscure glazing and architectural “fins” to address overlooking have not been included.
- The application inaccurately refers to a ‘utility room’ being impacted.
- Inadequate assessment by PA of daylight analysis which omits part of the garden of Mountain View House and fails to take account of existing trees.

### *Visual Impact and Impact on Protected Structure*

- The design including scale, height, material finishes and proximity to Mountain View House, is not in keeping with Mountain View House and will detract from this protected structure and from the character of the road and fails to comply with Development Plan Section 11.4.1.2(iv) Work to Protected Structures. and Policy Objective HER8.
- The Local Authority Conservation Officer concurs with concerns relating to the impact of the development on Mountain View House and recommends refusal.
- The visualisations submitted fail to demonstrate the real impact of the development.
- The massing will replace views of the sky currently enjoyed and will change the historic landscape of the area and is out of sync with the local pattern.
- There is a lack of clarity in relation to the boundary treatments.
- A previously proposed retaining wall has been incorporated into the habitable wall of the proposed development. It is requested that the new boundary wall match the existing historic boundary wall to the front of Mountain View House. A new proposed boundary wall should be located in front of the existing wall to avoid a loss of the appellant's land.

### *Traffic*

- Insufficient car parking spaces are provided, and the proposed spaces are not adequate to accommodate turning movements and larger cars. This may require the buildings to be shifted north to facilitate parking and turning which will further reduce the already inadequate rear gardens. The Vehicle Swept Path Analysis is inadequate.
- It has not been demonstrated how access for delivery van drivers and emergency vehicles can be accommodated. There are concerns that the proposal will result in the appellants entrance being blocked.
- Safe access and egress from 84 Beaumont Ave rely on the shared gate area between the appellants property and the appeal site.
- The proposal is likely to result in additional cars parked on Beaumont Ave causing traffic safety concerns.

- There is no footpath on the road serving the proposal.

#### *Drainage*

- There is a lack of detail in relation to SuDS and concerns that SuDS measures cannot be achieved. An impermeable liner is proposed meaning surface water will be directed to the public sewer which is not SuDS compliant.
- No details of the invert level of the public sewer have been provided and if the drainage fall is designed to the minimum of 1:80 it could result in an increase in the overall height of the development.
- The proposal will compound existing problems relating to sewage/drainage.

#### *Landscaping*

- Lack of detail relating to landscaping and concerns regarding insufficient soil depth to facilitate landscaping. It will not be possible to mitigate visual impacts with landscaping.

#### *Other*

- Details of other developments in the area refused permission by the PA are outlined
- There are concerns relating to the impact of the proposal on property values in the area.
- Drawings include errors.
- A history of construction activity on the site is outlined.

### **6.2. Applicant Response**

First party responses to the appeals can be summarised as follows:

- Substantial parts of the appeal are not relevant to the proposed development and should be dismissed and the validity of the appeal by Samanth Kenny & Keith Bradley is questioned.
- The proposal will enhance the setting of Mountain View House by providing an appropriate boundary treatment to the protected structure.

- The proposed dwellings are smaller than the previously approved three storey dwellings and the design is contemporary and complementary to Mountain View House. High quality natural material finishes are proposed.
- Apart from a proposed boundary wall, no works are proposed to the protected structure.
- The applicant's conservation architect notes the following in relation to section 12.11.2.3 of the Development Plan and the Architectural Heritage Guidelines:
  - The proposal replaces previous non original ancillary structures
  - The material finishes proposed have been chosen to present an understated contemporary fenestration of natural materials which respects the craft of brick and stone buildings.
  - The proximity of the proposal reflects the location of the pre-existing ancillary structures and the location and buffer zone to Mountain View House and the alignment was previously considered and accepted under D16A/0783.
  - The scale and height have been significantly reduced from the previously permitted and refused schemes.
  - There is no comment from the Conservation Officer with regard to scale or height.
  - The setting of the protected structure has progressively diminished and it is under separate ownership to the appeal site.
  - The proposal will end a long period of disuse of the site which has limited views from the road and with appropriate materials proposed will improve the amenity value.
  - There are no features of architectural or conservation interest within the appeal site.
  - The original curtilage and attendant grounds include a wider area where development has taken place and no items beyond the present curtilage/ownership are evident.

- The proposal will protect and enhance the setting of the protected structure in accordance with the provisions of the Development Plan and Architectural Heritage Guidelines.
- The Commission's previous decision did not limit future development to no more than 2 bedrooms.
- The proposal complies with required separation standards in SPPR1 of Compact Settlements Guidelines.
- Regarding the suggestion that building height should be limited to a single storey, permission was previously granted for a three-storey development.
- Previous work on the appeal site was undertaken in compliance with permission D16A/0783.
- The previous decisions on the site have established parameters relating to vehicular access, building height, separation distance to Mountain View House etc which the current proposal has regard to.
- The quality of design and massing are appropriate and respect the location adjacent to a protected structure.
- Compliance with Policy HER8 has been addressed in Section 7.3.1 of the Architectural Heritage Impact Assessment (AHIA) submitted.
- A boundary wall between the appeal site and Mountain View House cannot be constructed without planning permission, it is proposed to construct a wall as shown on plans. No works are proposed to the boundary wall with No. 84 and there is no requirement for any drawings.
- Any landscape plan will have regard to the ground conditions, including soil depth.
- An Addendum to the Daylight & Sunlight Assessment is attached to the appeal response which demonstrates compliance with BRE Guidelines recommendations for sunlight.
- The submitted photomontages provide sufficient context to assess how the scheme will look relative to the protected structure.

- Parking is adequate having regard to the sites location served by public transport. Bins and cycle parking are clearly marked on Drg. No. 650 P01.
- The proposed access arrangements are consistent with those permitted previously with the proposed access roadway 4.078m wide with a 0.9m wide footpath and which is adequate for emergency vehicles.
- There will not be a requirement to move the scheme northwards.
- A delivery van is likely to reverse into the appeal site.
- Sustainable drainage measures are incorporated including underground attenuation and permeable paving.

### 6.3. **Planning Authority Response**

Responses received states that no new matters are raised.

### 6.4. **Observations**

None received.

### 6.5. **Further Responses**

Third-party responses to the first party response to appeal received from Sasha Smolin & Iwona Bednarska and from Samantha Kenny & Keith Bradley reiterate the grounds of appeal and can be summarised as follows:

- The contention that precedent is not relevant is refuted.
- The proposed dwellings include an office which can be used as a fifth bedroom.
- A statement in the planning inspectors report for the previously refused proposal in relation to the reduction of the proposal to two-bedroom units should be held in regard by ACP.
- Statements that the proposal will not result in overlooking are untrue. 6 windows will overlook the rear amenity space of No. 84 Beaumont Ave. and pervious requirements for opaque windows at first floor are referenced.
- Provision of a retaining wall between the appellant and the applicant would constitute emergency works.

- No details of landscaping proposals have been submitted.
- Delivery drivers will be unaware that they will be required to reverse into the development and this has potential safety issues.
- No evidence of compliance with SuDS policies has been submitted.
- The addendum to the Daylight & Sunlight Assessment incorrectly refers to a 2m high boundary wall where no wall exists.
- No updated visualisations have been submitted, close up shots should be taken when foliage is not in place. The proposal fails to comply with Development Plan policy, will detract from the street and create an unwelcome precedent. Historic permission for a 3 storey development on the site should not justify the current proposal.
- No evidence to support the applicants claim that the proposal will enhance the setting of the protect structure is submitted and the proposed development will fail to provide for an appropriate development for the site.
- The proposal fails to respond to the contextual conditions on site, fails to retain an appropriate setting for the protected structure and due to the proposed proximity will seriously injure the setting and character of the protected structure.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Impact on Residential and Visual Amenities
- Impact on Protected Structure
- Traffic
- Landscaping

- Drainage
- Other Matters

## 7.2. Principle of Development

- 7.2.1. The site is zoned Objective A 'Residential'. Residential development is permitted in principle under this zoning objective in the Development Plan. I consider the principle of development of two dwellings is acceptable, subject to the detailed considerations below.
- 7.2.2. I note the planning history of the site which I consider is relevant to the assessment of the appeal and I refer the Commission to Section 4.0 of this report. In particular I note that permission was granted for the demolition of existing outbuildings located on the appeal site under reference D14A/0445 and the PA and ACP granted permission under D16A/0783 / PL06D.248429 for construction of 2 no. part two storey and part three storey dwellings with a flat roof and containing 4 no. bedrooms which were partially constructed and subsequently demolished. Under permission reference D23A/0482/ABP-320570-24 permission was granted by the PA and refused by ACP for two no. three storey dwellings with a flat roof. ACP's refusal reasons related to concerns that the proposal would not respect the height and massing of the adjoining Protected Structure.
- 7.2.3. Appeal reference ABP-320570-24 was assessed under the current Development Plan for the area and in assessing the proposal the Planning Inspector considered the proposal to be 'backland development' as it involves the establishment of a building line (albeit at a perpendicular angle) to the rear of an existing line of houses and assessed the proposal under the principles and policy outlined in Section 12.3.7.6 of the Development Plan. I note that the Commission's decision did not raise any concerns with this assessment and I agree that the proposal can be assessed as a 'backland development' and therefore Section 12.3.7.6 is relevant to the assessment of the proposal.

## 7.3. Impact on Residential and Visual Amenities

- 7.3.1. The appellants raise concerns in relation to impacts on residential amenities of neighbouring properties as a result of overlooking, noting the proposal fails to achieve 22m separation distances, that previously proposed measures to address

overlooking have not been incorporated, and that a daylight assessment carried out is inadequate.

- 7.3.2. The proposed development incorporates two semi-detached two storey dwellings with a hipped roof 7.61m in height with an eaves height of 5.4m, overall length of 20.5m and side elevation width of approx. 10m at ground floor and 7m at first floor on the east elevation. The building will be located adjoining the western boundary and approx. 3m from the western side elevation of Mountain View House. The rear elevation is set back a minimum of approx. 7.8m increasing to 8.3m from the northern site boundary, beyond which is the rear amenity space serving No. 78C Beaumont Ave. A minimum separation distance of 7.5m and increasing to 8.8m is proposed between the front elevation and the southern boundary beyond which is the rear amenity space serving No. 82 Beaumont Ave. It is proposed to plant 'trained trees' along the boundary wall for the full length of the northern boundary adjoining the rear of No. 78C. Windows serving one bedroom in each dwelling are proposed at first floor on the rear elevation with the remaining windows serving bathrooms and windows serving three bedrooms in each dwelling are proposed at first floor on the front elevation.
- 7.3.3. The planning officer, whilst noting potential loss of privacy for Nos. 84 and 78C due to overlooking of rear amenity spaces as a result of overlooking from bedrooms concluded that having regard to the scale and nature of the proposed development, the proposal would not result in an unacceptable adverse impact on the amenities of adjoining properties by way of overlooking, overshadowing, or overbearance appearance.
- 7.3.4. I note that permission was granted by the PA and ACP (D16A/0783 / PL06D.248429) for two no. three storey four bedroom flat roof dwellings with a condition attached requiring that windows on the front elevation at first and second floor shall be obscure glass and that terraces on the front and rear elevation shall be fitted with obscure glazing. This permission was commenced and subsequently demolished. In assessing permission reference D23A/0482/ABP-320570-24 for development of 2 no. three storey houses the inspector recommended the omission of the second floor resulting in a reduction from 4 bed to 2 bed dwellings and the Commission noted that the omission of the second floor might provide a more appropriate built relationship

with adjacent properties. I note the appellants comments in this regard and I note that the recommendations relating to the previous proposal were made in the context of the previously proposed designs and I do not consider this statement restricts future development on the site to a maximum of 2 bedrooms. I note that the previously permitted and refused schemes were substantially different from that currently proposed, in particular with regard to the design and elevation treatments of the proposed dwellings.

- 7.3.5. Section 12.8.7.1 of the Development Plan requires a minimum separation distance of 22 meters between opposing rear first floor windows, however this section states that separation distances for new developments may be reduced where the amenities and privacy of adjacent occupiers is preserved. SPPR 1 of the Compact Settlements Guidelines requires separation distances of 16m and states that separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms.
- 7.3.6. There are no existing first-floor windows directly opposing the proposed development and having regard to the position of the proposed dwellings perpendicular to Nos. 78C and 82 I consider no direct overlooking of habitable rooms will arise. Whilst some overlooking of rear amenity space is likely to Nos. 78C and 82, I consider that the separation distances proposed comply with the requirements of the Development Plan and SPPR 1 of the Compact Settlements Guidelines, are acceptable for this urban site, and that levels of overlooking will not exceed those which would normally be considered acceptable in an urban area. In relation to previous requirements for design measures to first floor windows to minimise overlooking and appellants concerns that the current proposal fails to incorporate these requirements, I note that these privacy requirements related to a design that is different from that currently proposed which included first floor terraces under ABP-320570-24 and second floor windows under D16A/0783 / PL06D.248429. I am satisfied that the current proposal will not give rise to unacceptable overlooking and I consider the proposal complies with the requirements of the Development Plan and Compact Settlements Guidelines SPPR 1 in this regard and I do not consider it necessary to incorporate measures such as obscure glazing or architectural fins.

- 7.3.7. I note the appellants reference to the requirement in Section 12.3.7.6 relating to Backland Development that new dwellings shall generally, be single storey in height to avoid overlooking. I also note the first party response to the appeal which states that permission was previously granted on the site for a three-storey development under permission reference D16A/0783 / PL06D.248429. In this regard I note that permission reference D16A/0783 / PL06D.248429 was granted under a previous Development Plan for the area and I consider each application should be assessed on its merits based on the relevant planning policy at the time of assessment. I note the wording of Section 12.3.7.6 relating to Backland Development and I consider this does not specifically preclude development in excess of single storey. I note the surrounding pattern of development and my assessment above wherein I do not consider the proposed two storey dwellings will give rise to unacceptable overlooking. Having regard to the scale of development proposed as well as the scale of existing development I consider the proposed scale and massing is acceptable and will not give rise to unacceptable overbearing impacts on neighbouring properties.
- 7.3.8. Verified photomontages submitted with the planning application provide a visual representation of the proposal and include details of the methodology employed in creating the visual representations. I note that there is a variety of house styles and heights in the surrounding area. Having regard to the scale and massing proposed which includes a ridge height at a level below the eaves height of Mountain View House, and to the site location set back from the public road, and the siting of the proposed dwellings in line with the siting of Mountain View House, I am satisfied that the proposal will appropriately integrate into the site and surrounding streetscape and I do not consider the proposal will present as a visually dominant feature on the streetscape.
- 7.3.9. In relation to concerns regarding loss of daylight, the first party response to the appeal includes an addendum to the Daylight and Sunlight assessment submitted with the application. The report finds that the amenity spaces at Mountain View House will receive 2 hours of sun over more than 50% of the area on 21<sup>st</sup> March and that this meets the recommendations for sunlight in BRE Guidelines. Having regard to the orientation of Mountain View House, to the scale of development proposed and the findings of the Daylight and Sunlight Assessments, I am satisfied that the

proposal will not give rise to unacceptable impacts on the amenity space serving Mountain View House.

- 7.3.10. I note concerns raised in relation to lack boundary details to the south of the appeal site. I note that there is an existing boundary wall at this location which is proposed to be retained and I am satisfied that this is acceptable.
- 7.3.11. I consider the proposal complies with Development Plan policies PHP18 relating to increased densities on infill sites, Policy Objective PHP19 which requires that new infill development shall have due regard to the amenities of existing established residential neighbourhoods and Policy Objective PHP20 relating to protection of existing residential amenity. I am satisfied that the scale and massing is appropriate for the site and I do not consider the proposal will give rise to unacceptable impacts on the residential and visual amenities of the area and provides for an appropriate scale of development for this site.

#### **7.4. Impact on Protected Structure**

- 7.4.1. The appeal site is located adjacent to Mountain View House which is a Protected Structure, RPS 1007 identified as a House in the Record of Protected Structures in Appendix 4 of the Development Plan. Mountain View House is an attractive two storey Georgian dwelling that appears well maintained and is a prominent feature within the streetscape with the gable wall directly adjoining the public road.
- 7.4.2. The appeals raise concerns regarding the impact of the proposed development upon the character and setting of Mountain View House and that a previous refusal reason by ACP relating to the impact of development on Mountain View House has not been addressed. The Local Authority Conservation Officer raised concerns that the proposal fails to enhance the setting of the Protected structure, is contextually inappropriate, visually detracts from the protected structure, fails to comply with Development Plan policy objective HER 8 and Section 12.11.2.3 and would set a poor precedent. In making the recommendation to grant permission, the Senior Planner's report noted that whilst the proposed development is not optimal for the site in the curtilage of a protected structure and a more contemporary design would be preferable, given the orientation and positioning of the proposed houses relative to the protected structure, the design as proposed is acceptable.

- 7.4.3. The first party response submits that adequate separation distances are proposed, apart from a proposed boundary wall, no works are proposed to the protected structure, that proposed dwellings are smaller than the previously approved three storey dwellings and that the proposal will enhance the setting of Mountain View House by providing an appropriate boundary treatment to the protected structure.
- 7.4.4. The Development Plan in Policy Objective HER8 and Section 12.11.2 outlines that it is a policy objective to protect structures included on the RPS from any works that would negatively impact their special character and appearance and that new development is sensitively sited and designed and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials and protects the curtilage of the protected structure.
- 7.4.5. I note that under permission reference ABP-320570-24 on the site, which was assessed under the current Development Plan for the area, the Commission raised concerns that the proposal would not respect the height and massing of the adjoining protected structure and refused permission.
- 7.4.6. An Architectural Heritage Impact Assessment (AHIA) submitted with the planning application outlines modifications to the protected structure, including that the late 19<sup>th</sup> century dairy farm structures are no longer extant and were not original to the house, and that gardens previously associated with the house were located in what is now Churchtown Business Park. The AHIA outlines how the requirements of Policy objective HER 8 are met with regard to the proposal and includes that the proposal seeks to reinstate boundaries of the protected structure which will comprise a proposed 2m high boundary wall to the Protected Structure finished in light 'harling' type wet-dash in keeping with what was likely originally on the protected structure. The assessment notes that the proposal will be of a contemporary-traditional form, subservient in scale and visual impact to the Protected Structure and at a lower ground level and finds no discernible impact from the proposed development when viewed from the surrounding streetscape. The report states that the proposal will enhance the character by improving and completing the setting within the residential area and in-filling the adjacent site where dilapidated farm structures have been removed.

- 7.4.7. In relation to the siting of the proposed development, I note that Mountain View House is perpendicular to Beaumont Ave and the proposed dwellings will occupy a similar position relative to Beaumont Ave and will be positioned generally in line with Mountain View House. A separation distance of 3m is proposed between the western side elevation of Mountain View House and the eastern side elevation of the proposed development and a new 2m high boundary wall separating Mountain View House from the appeal site will form the eastern boundary of the proposed development. A ground floor level of 56.19 is proposed which is below the stated ground floor level of Mountain View House. The Proposed ridge is 63.65 which is below the eaves height of Mountain View House which is indicated at 63.75. Material finishes comprise off-white brick on all elevations and blue-black-grey slate roof.
- 7.4.8. The proposal includes the provision of a new boundary wall between the development site and Mountain View House on the South and Western boundaries of Mountain View House. I note the planning history of the site wherein permission was previously granted for demolition of outbuildings and construction of 2 dwellings located within the garden of Mountain View House resulting in revised boundaries to Mountain View House.
- 7.4.9. Having inspected the site and reviewed the drawings and documents submitted with the application, I consider the proposed dwellings are of a modest scale and height and will appear subordinate to Mountain View House. Whilst I note the design and material finishes do not provide for any visual break in the massing of the proposed structure, having regard to the modest scale of development proposed I do not have objections to the design of the dwellings and I consider the design and scale is appropriate in terms of the relationship with Mountain View House, would not detract from the character or setting of the protected structure, and complies with Development Plan Policy Objective HER8 and Section 12.11.2. Having regard to the above I do not consider the proposal will have an adverse impact upon the character and setting of Mountain View House. I consider the proposed development addresses the previous refusal reason by the Commission wherein it was considered that a proposed three storey development would not respect the height and massing of the adjoining protected structure.

7.4.10. I note the concerns raised in relation to the proposed boundary treatment between the appeal site and Mountain View House. It is proposed to construct a new wall along the western and southern boundary of Mountain View House which will be 2m in height and finished in wet-dash. I note that there is no existing boundary between the appeal site and the west and southwest boundary of Mountain View House and that previous permission on the site proposed to provide a new boundary at this location. I consider the proposed boundary treatment is acceptable and I do not consider it reasonable that a new boundary treatment at this location should be located in front of the existing wall as put forward by the appellant.

## 7.5. Traffic

7.5.1. The appellants raise concerns that insufficient car parking spaces are provided resulting in additional cars being parked on Beaumont Ave causing traffic safety concerns. There are concerns that the proposed car parking spaces are not adequate to accommodate turning movements and larger cars and that the Vehicle Swept Path Analysis is inadequate, concern relating to access for delivery vehicles and emergency vehicles, that safe access and egress from 84 Beaumont Ave rely on the shared gate area between the appellants property and the appeal site and that there is no footpath on the road serving the proposal.

7.5.2. In relation to the number of car parking spaces, I note that the site is located 1km from Dundrum Luas Stop and I am satisfied that one car parking space per dwelling is acceptable and complies with Compact Settlements Guidelines SPPR 3. In relation to concerns regarding access to car parking spaces, having reviewed the Swept Path Analysis submitted which demonstrate achievable vehicular movements, I am satisfied that the parking proposals are acceptable. In relation to concerns regarding access for emergency vehicles and deliveries I note that the access road proposed is 4.1m in width in addition to a 900mm wide footpath and I note that the PA Transportation Section report states no objection subject to conditions. I also note the planning history of the site wherein similar vehicular access arrangements were proposed and permitted. Having reviewed the file and inspected the site and having regard to the planning history of the site, I am satisfied that the applicant has demonstrated that vehicular traffic can be accommodated and that the proposal is acceptable with regard to vehicular access and car parking.

- 7.5.3. In relation to the appellants concerns that access to their property will be impacted by use of the proposed vehicular entrance, I note that the proposed vehicular access is located within the appeal site and that the appellant and I do not consider the appellants use of this area is relevant to the assessment of the appeal.
- 7.5.4. I note that a section of the western side of Beaumont Ave. in the vicinity of the appeal site does not contain a footpath and appellants raise concerns in this regard. Noting the infill nature of the site and the presence of a footpath on the opposite side of the road I consider the proposal is acceptable with regard to pedestrian access.
- 7.5.5. I note concerns raised by an appellant that there may be a requirement to shift buildings north to facilitate parking and turning. In this regard I note that the proposal will be required to comply with the drawings as submitted and as such I do not share the appellants concerns in this regard.

## 7.6. **Drainage**

- 7.6.1. Concerns are raised by third parties that SuDS measures cannot be achieved on site and that there is a lack of detail regarding SuDS proposals. I note that the PA Drainage Planning Section report states that further information is required in relation to details relating to the disposal of surface water run-off on the site with no overflow to the public sewer. The Senior Planner's report notes that these matters can be addressed by a condition and the PA attached Condition 4 relating to surface water drainage which includes a requirement that surface water shall be infiltrated locally and shall not overflow to the public sewer. I consider this matter can be addressed by a standard condition requiring the applicant to comply with the requirements of the Local Authority with regard to surface water disposal if the Commission decides to grant permission.
- 7.6.2. An appellant raises concerns that the proposal will compound existing problems relating to sewage/drainage. I note that a submission on file from Uisce Eireann recommends a request for further information in relation to requirement for a pre-connection enquiry. If the Commission decides to grant permission I consider that this matter can be addressed by a standard condition requiring the developer to enter into a Connection Agreement with Uisce Eireann.

## 7.7. Landscaping

7.7.1. Concerns are raised in appeals that there is a lack of detail relating to landscaping and concerns regarding insufficient soil depth to facilitate landscaping. Concerns are also raised in relation to proposed boundary treatments. Whilst I note the concerns raised in relation to shallow soil depth on the site, I note that there are no existing trees or hedgerows on the site. Drawing 2504\_33 outlines landscaping proposals and boundary treatments which includes lawned areas to the front and rear of proposed houses and creeper vegetation on existing walls and trained trees along the northern boundary. Having regard to the limited size of the site and the scale of development proposed I am satisfied that the landscaping proposals as outlined are acceptable.

## 7.8. Other Matters

7.8.1. Appellants note the planning history of the wider area and refer to permission refused for an infill development under permission reference D22A/0660 and consider the same criteria/assessment should apply to the appeal site. I consider this application should be considered on its own merits having regard to the site characteristics, the receiving environment, the design and layout proposed and to the relevant planning policy. Having regard to the findings of my assessment as outlined above I am satisfied that the proposal is acceptable.

7.8.2. An appellant raises concerns in relation to inaccuracies on application drawings. I note that the PA deemed the application to be valid and I am satisfied that the information on file is adequate to facilitate a comprehensive assessment of the proposed development.

7.8.3. Concerns are raised in an appeal that the proposal will devalue neighbouring properties. Having regard to my findings above I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.8.4. I note concerns by an appellant that the application inaccurately refers to a 'utility room' being impacted. Having inspected the site and reviewed the drawings relating to the proposal I am satisfied that this stated inaccuracy does not have a material impact on the assessment of the appeal.

## 8.0 AA Screening

- 8.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive.

I have considered the proposal for permission of 2 no. dwellings and related works on lands to the rear of Mountain View House in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The proposed development is located in an established predominantly residential area on zoned and serviced lands. It is located approx. 4.5km to the south-west of South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210).

The proposed development comprises the construction of 2 no. new dwelling houses in addition to a new boundary wall between the site and Mountain View House together with all ancillary site works. No issues relevant to AA were raised in the appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The nature and scale of the proposed development.
- The urban and serviced nature of the site.
- The location-distance from the nearest European Site and lack of connections.
- Taking into account the screening report/ determination by the PA.

I conclude that, on the basis of objective information, the proposed development would not have a likely significant effect on any European Site, either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required. Water Framework Directive

## 9.0 Water Framework Directive

- 9.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal

will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

## **10.0 Recommendation**

10.1. I recommend that planning permission should be granted, subject to conditions, as set out below, for the following reasons and considerations.

## **11.0 Reasons and Considerations**

Having regard to the zoning objective of the site 'Objective A' the objective for which is 'To provide residential development and improve residential amenity while protecting the existing residential amenities', and to the policies, objectives and development standards of the Dun Laoghaire Rathdown County Development Plan 2022-2028, to the nature, scale and design of the proposed development, to the planning history of the site and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development would not unduly impact upon the character and setting of Mountain View House, a Protected Structure, would be acceptable in terms of traffic safety and convenience and surface water drainage, would be capable of being adequately served by wastewater, and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and would be in accordance with the proper planning and sustainable development of the area.

## **12.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. Prior to the commencement of development of the proposed boundary wall with Mountain View House Protected Structure the applicant/developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:

(a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,

(b) methodology for the recording and/or retention of concealed features or fabric exposed during the works.

Reason: In the interest of the protection of architectural heritage [in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities"

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

Reason: in the interest of visual amenity and to ensure an appropriate high standard of development.

4. All bathroom and ensuite windows shall be fitted and permanently maintained with obscure glass.

Reason: in the interest of residential amenity.

5. All in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these

requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

6. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/duplex numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: in the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

7. Drainage arrangements and the 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 written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

8. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Eireann to provide for a service connection(s) to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities

9. The Landscape scheme submitted to the planning authority on the 25<sup>th</sup> November 2025 shall be implemented fully in the first planting season following the substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety..

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: in the interests of visual and residential amenity

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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 amenities of property in the vicinity.

13. A finalised 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 interests of environmental protection, residential amenities, public health and safety and environmental protection.

14. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times

Reason: in the interest of proper planning and sustainable development.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

Reason: In the interest of amenities, public health and safety.

16. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot and for each duplex/apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

18. 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 relation to the transfer of a (percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended.

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 of the area.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiun Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. 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 Coimisiun 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.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

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Bernadette Quinn

Planning Inspector

19<sup>th</sup> May 2026

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500830-DR-26
<b>Proposed Development Summary</b>	Construction of two 4 bedroom, 2 storey, semi-detached houses and boundary wall to adjoining protected structure.
<b>Development Address</b>	Rear of Mountain View House (A Protected Structure), Beaumont Avenue, Churchtown, Dublin 14
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	<b>State the Class here</b>

<p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b> Class 10(b)(i) (infrastructure – Dwelling Units)</p>

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL-500830-DR-26
<b>Proposed Development Summary</b>	Construction of two 4 bedroom, 2 storey, semi-detached houses and boundary wall to adjoining protected structure.
<b>Development Address</b>	Rear of Mountain View House (A Protected Structure), Beaumont Avenue, Churchtown, Dublin 14
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	The proposal for two dwellings and associated works has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural	The development is situated in a densely populated suburban area on a brownfield site and is located at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Development Plan. The development adjoins a Protected Structure.

<p>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).</p>	
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant</b></p>	<p><b>EIA is not required.</b></p>

<b>effects on the environment.</b>	
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**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)