BPS
Planning & Development
Consultants

M 087 261 5871
T 01 539 4960
E info@bpsplanning.ie
W www.bpsplanning.ie

PO Box 13658
Dublin 14

Objection lodged via the Commission's online appeals portal

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

18 November 2026

Dear Sir/Madam,

Third-Party Planning Appeal against the decision of Dún Laoghaire-Rathdown County Council to grant permission under Register Reference D26A/0651/WEB. Applicant: David Cullen. Location: Beeches Park, to the rear of No. 18 Marlborough Road ('Warriston'), Glenageary, Co. Dublin. Description of Development (as per the statutory notices): "The development will consist of the construction of a new detached two-storey, 7.44 m tall, 4-bedroom dwelling house, and new vehicular entrance in the existing boundary wall with two off-street car parking spaces with access via 'Beeches Park', and associated hard and soft landscaping and SuDS drainage. The site is located in the backlands of No. 18 Marlborough Road and is located in an Architectural Conservation Area."

BPS Planning and Development Consultants Ltd has been retained by Grace O'Regan and Simon Mills of 6 Station Road, Glenageary, Co. Dublin and by Sinéad Reihill of Inver, Marlborough Road, Glenageary, Co. Dublin (hereafter "the Appellants") to lodge this third-party appeal against the decision of Dún Laoghaire-Rathdown County Council to grant planning permission for the above development.

The Appellants made valid third-party observations/submissions on the planning application at the local authority stage. Copies of the acknowledgements issued by DLRCC confirming receipt of those submissions are enclosed with this appeal. DLRCC decided to grant permission for the proposed development without issuing a request for further information and without imposing conditions that adequately address the significant planning concerns raised. The decision is at variance with the recommendation of the Council's own Senior Executive Conservation Officer, with the guidance contained in the Development Management Guidelines for Planning Authorities (June 2007), and with previous decisions of An Coimisiún Pleanála (and its predecessor) on comparable backland proposals within the Marlborough Road Architectural Conservation Area (including ABP-312909-22 relating to No. 13 Marlborough Road).

The Appellants maintain that the proposed development is contrary to the proper planning and sustainable development of the area. In particular, it fails to preserve or enhance the character of the Marlborough Road Architectural Conservation Area, conflicts with Policy Objective HER13 and Section 12.11.4 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, constitutes inappropriate backland development of excessive scale and height on a constrained site, will result in the unjustified loss of mature trees that contribute to the special character of the ACA, and raises unresolved traffic safety and residential amenity issues on the narrow Beeches Park laneway.

Ms Reihill supports this appeal. While the detailed analysis in the attached Planning Appeal Report focuses primarily on the impacts on 6 Station Road (the closest occupied dwelling to the proposed Beeches Park elevation, new opening and parking), she shares the concerns regarding the principle of two-storey backland development in the ACA, tree loss, visual integration and residential amenity.

These and the other grounds of appeal are set out in full in the attached Planning Appeal Report / Statement of Grounds of Appeal. For the convenience of An Coimisiún Pleanála, the attached report:

- outlines the existing development context;
- describes the proposed development;
- reviews the planning history of the site and of comparable proposals in the ACA;
- sets out the relevant planning policy context (including the Development Management Guidelines and the County Development Plan);
- assesses the Council's decision against that policy framework and the professional advice of its own conservation officer; and
- sets out the detailed grounds of appeal and the reasons why permission should be refused.

Enclosures for validation of this appeal

- The appeal is lodged before 18 November 2026 which is the deadline (planning decision made on 22 October 2026).
- The statutory appeal fee of €220 (third-party appeal).
- Copies of the acknowledgements issued by Dún Laoghaire-Rathdown County Council confirming receipt of the Appellants' observations/submissions on application D26A/0651/WEB.
- Planning Appeal Report / Statement of Grounds of Appeal.
- Copies of original objections lodged to DLRCC.

The Appellants confirm that they have not agreed to any part of the development or to any of the impacts it would have on their property or on the area.

We request that An Coimisiún Pleanála refuse permission for the proposed development.

If you require any further details, please contact BPS Planning and Development Consultants Ltd at the address below.
With best wishes,

Brendan Byrne Buck

Brendan Byrne Buck
Managing Director
BPS Planning & Development Consultants LTD

An Bord Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a)	Name	GRACE O'REGAN, SIMON MILLS AND SINÉAD REIHILL.
(b)	Address	(GRACE O'REGAN & SIMON MILLS) 6 STATION ROAD, GLENAGEARY, CO. DUBLIN AND SINÉAD REHILL (INVER, MARLBOROUGH ROAD, GLENAGEARY, CO. DUBLIN).

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a)	Agent's name	BRENDAN BYRNE BUCK MIPI.

(b)	Agent's address	BPS PLANNING & DEVELOPMENT CONSULTANTS LTD, PO BOX 13658, DUBLIN 14, D14NY27.

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1	☐	**The agent at the address in Part 2**	✓

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL.

(b) Planning authority register reference number

(for example: 18/0123)

D26A/0651/WEB.

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

BEECHES PARK, TO REAR OF NO. 18 MARLBOROUGH ROAD, GLENAGEARY, DUBLIN.

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please find a Planning Appeal Report attached which sets out ‘Grounds for Appeal’.

Supporting material

6. If you wish you can include supporting materials with your appeal. Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

Yes, I wish to request an oral hearing	☐
No, I do not wish to request an oral hearing	✓

NALA has awarded this document its Plain English Mark

Last updated: April 2019.

BPS
Planning & Development
Consultants

Third Party Planning Appeal Check List

1. Name of the Appellant: **GRACE O'REGAN, SIMON MILLS AND SINÉAD REIHILL.**

2. Address of the Appellant: (**GRACE O'REGAN & SIMON MILLS) 6 STATION ROAD, GLENAGEARY, CO. DUBLIN AND SINÉAD REHILL (INVER, MARLBOROUGH ROAD, GLENAGEARY, CO. DUBLIN).**

3. If an agent is involved, state the name of the agent: **BRENDAN BYRNE BUCK.**

4. Address of the agent: **BPS PLANNING & DEVELOPMENT CONSULTANTS LTD., PO BOX 13658, DUBLIN 14, D14 NY27.**

5. State the Subject Matter of the Appeal: **THIRD-PARTY PLANNING APPEAL AGAINST THE DECISION OF DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL TO GRANT PERMISSION UNDER REG. REF. D26A/0651/WEB.**

6. Brief description of the Development: **DESCRIBED IN THE STATUTORY NOTICES AS FOLLOWS: "THE DEVELOPMENT WILL CONSIST OF THE CONSTRUCTION OF A NEW DETACHED TWO-STOREY, 7.44M TALL, 4-BEDROOM DWELLING HOUSE, AND NEW VEHICULAR ENTRANCE IN THE EXISTING BOUNDARY WALL WITH TWO OFF-STREET CAR PARKING SPACES WITH ACCESS VIA 'BEECHES PARK', AND ASSOCIATED HARD AND SOFT LANDSCAPING AND SUDS DRAINAGE. THE SITE IS LOCATED IN THE BACKLANDS OF NO. 18 MARLBOROUGH ROAD AND IS LOCATED IN AN ARCHITECTURAL CONSERVATION AREA".**

7. Location of development: **BEECHES PARK, TO REAR OF NO. 18 MARLBOROUGH ROAD, GLENAGEARY, DUBLIN.**

8. Name of planning authority: **DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL.**

9. Planning authority register reference number: **REG. REF. D26A/0651/WEB.**

10. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based. **PLEASE FIND A PLANNING APPEAL REPORT / STATEMENT OF GROUNDS OF APPEAL ATTACHED.**

11. Enclose/Pay the correct fee for the Third Party Appeal: **€220.**

12. Ensure that the APPEAL is received by An Coimisiún Pleanála in the correct manner and in time. **THE APPEAL MUST BE RECEIVED BY AN COIMISIÚN PLEANÁLA WITHIN FOUR WEEKS BEGINNING ON THE DATE THE PLANNING AUTHORITY MADE ITS DECISION WHICH IS 22 OCTOBER 2026. THIS APPEAL IS SUBMITTED ON OR PRIOR TO THE DEADLINE OF 18TH OF NOVEMBER 2026.**

13. Enclose the acknowledgement issued by the planning authority confirming receipt of the appellants' submission/observation on the application: **COPIES OF DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL ACKNOWLEDGEMENT LETTERS ENCLOSED (2 X).**

Comhairle Contae County Council
Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire. A96 K6C9
Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland. A96 K6C9
T: 01 205 4700 E: info@dlrcoco.ie W: www.dlrcoco.ie

Ms Sinead Reihill
Inver
Marlborough Road
Glenageary
DUBLIN
A96V4D8

Date: 22-Oct-2026

Register Ref: D26A/0651/WEB **Date Recd:** 31-Aug-2026
Development: The development will consist of the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house, and new vehicular entrance in the existing boundary wall with two off-street car parking spaces with access via 'Beeches Park', and associated hard and soft landscaping and SuDS drainage. The site is located in the backlands of No. 18 Marlborough Road and is located in an Architectural Conservation Area.
Location: Beeches Park, to rear of No. 18 Marlborough Road, Glenageary, Dublin
Applicant: David Cullen
App. Type: Permission

Dear Sir/Madam

I wish to inform you that by Order dated **22-Oct-2026** it was decided to **GRANT PERMISSION** for the above proposal.

For the avoidance of doubt the reasons and recommendations set out in the planners report were generally adopted as set out in the Executive Order, this can be viewed at the Council Offices or the Council website.

First Schedule
Reasons & Considerations
Having regard to the Objective 'A' zoning of the site, and policies and objectives as set out in the 2022-2028 Dún Laoghaire-Rathdown County Development Plan, it is considered that the development would not detract from the amenities of the area and is consistent with the provisions of the current Development Plan, and is therefore considered to be in accordance with the proper planning and sustainable development of the area subject to conditions.

Appropriate Assessment Screening
The proposed development has been screened for AA (report on file) and it has been determined that the proposed development would not significantly impact upon a Natura 2000 Site.

Environmental Impact Assessment Screening
Having regard to the nature and scale of the proposed development, which comprises a new dwelling to the rear of an existing dwelling, in a fully serviced urban location, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and as such a screening determination is not required.

Second Scheduled
Conditions
1. The development shall be carried out in its entirety in accordance with the plans, particulars and

specifications lodged with the application, save as may be required by the other conditions attached hereto or as otherwise agreed in writing by the Planning Authority.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. Prior to the commencement of development, the applicant shall submit to the Planning Authority (Planning and Transportation Planning) for written agreement, a revised house and site layout, size and road boundary treatment, and modified as follows:
(a) The proposed house relocated and reduced in (east/west) size/ depth so that the existing, dashed and rubble stone boundary wall to the Beeches Park road boundary is retained (other than the proposed vehicular entrance), and the proposed house set-back from both the inside face of that existing east roadside boundary wall by 2m separation distance and also from the proposed west boundary wall to the parent dwelling with a 2m separation distance to the inside face of the new garden boundary wall.
(b) Revised details showing the proposed vehicular entrance to the Beeches Park roadway revised and relocated into a set-back, bell-mouth (or splayed) vehicular entrance, with the width of the set-back vehicular entrance gateway no more than 3.5 metres (in accordance with Section 12.4.8.1 General Specifications of the current DLRCC County Development Plan 2022-2028) (this may involve a slight increase in the proposed boundary wall removal width for the initial opening to facilitate the recessed gateway). The entrance walls shall include salvaged stone from the removed boundary wall and be stone-faced, or the stone dashed to match the existing, adjoining walls either side facing the road - these details shall also be submitted.
The width of the proposed vehicular gateway - at the gateway element, and at the widest point nearest to the roadway should also be shown.
(c) The set-back entrance mouth area shall detail the use of paviours or gravel similar to use in the existing parent dwelling and appropriate to the ACA (not including use of modern brick/ concrete paviours (concrete 'Grasscrete'/ permeable grid paving for SuDs maybe acceptable)).
(d) Revised details showing the proposed painted 'masonry' finishes painted only in an off-white or muted colour (not white), or alternately in an external brick finish as indicated in the submitted drawings in a muted Red, or Sand/Tan/Beige colour (not white/off-white/ yellow).
(e) The external finishes of the proposed indicated boundary wall subdividing the rear garden shall be submitted and shall finished in painted render, or in brick if masonry used (or otherwise a suitable timber fence or native species hedgerow).
(f) Revised details showing an oriel type 'redirected' window for the northeast 'Bedroom 3' east roadside facing window (with main east facing pane in manufactured obscured/ opaque glazing).
REASON: In the interests of streetscape and character, visual amenity and harmony, and heritage.

3. The disposal of surface water shall be in accordance with the requirements of the Planning Authority as follows:
(a) The surface water runoff generated by the development shall not be discharged to the public sewer but shall be infiltrated locally to a soakaway, as detailed in the application, in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems (SuDS) of the County Development Plan 2022-2028. The soakaway shall be designed to BRE Digest 365 and shall not have an overflow. The offset distance for infiltration from adjacent buildings or structures will be at the professional judgement of a suitably qualified engineer and shall ensure the proposed system has no impact on neighbouring properties. If a soakaway is not a feasible solution, then, prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a report signed by a Chartered Engineer showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDS measure.
(b) Any changes to parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDS) i.e. permeable surfacing, and in accordance with Section 12.4.8.3

Driveways/Hardstanding Areas of the County Development Plan 2022-2028. Appropriate measures shall be included to prevent runoff from driveways entering onto the public realm as required. Where unbound material is proposed for driveway, parking or hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.
REASON: In the interest of public health.

4. Notwithstanding Class 1, 3, 5 and Class 7, of Part 1, of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), there shall be no extensions, porch or sheds/stores or similar, constructed to the proposed dwelling house without a prior grant of permission.
REASON: In the interest of orderly development and the proper planning and sustainable development of the area.

5. Vehicle Entrance and Footpath
(a) A maximum of 1 No. car parking space shall be provided to serve the proposed dwelling house.
(b) The roadway/ footpath in front of the set-back vehicular entrance shall be dished and strengthened at the Applicant's own expense including any moving / adjustment of any water cocks /chamber covers, lamp-post etc. and all to the satisfaction of the appropriate utility company and Planning Authority. With regards to any dishing and strengthening of the roadway/ footpath the Applicants shall contact the Road Maintenance & Roads Control Sections to ascertain the required specifications for such works and any required permits.
REASON: In the interest of orderly development.

6. All necessary measures shall be taken by the Applicant and Contractor to:
(a) prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works,
(b) repair any damage to the public road arising from carrying out the works,
avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.
REASON: In the interest of orderly development.

7. Site development and building works shall be carried out only between the hours of 7:00am to 7:00pm Monday to Friday inclusive, 8:00am to 2:00pm Saturdays and no works permitted on site on Sundays and Public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been obtained from the Planning Authority.
Reason: In order to safeguard the residential amenities of property in the vicinity.

Countywide Surface Water
8. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €166.35 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Local Authority in respect of the provision of Surface Water Infrastructure benefiting development in the area of the Planning Authority, as provided for in the Development Contribution Scheme 2023-2028 made by Dún Laoghaire-Rathdown County Council on the 9th of October 2023. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSI Tender Price Index commencing from 1st January 2025. Contributions shall be payable at the index-adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Article 4.7 of the Scheme. Outstanding balances as of the 1st of January each year shall be subject to indexation and adjusted accordingly until the contribution has been paid in full. (See Article 8.3 of the Scheme).
REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Surface Water Infrastructure benefiting development in the area of the

Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority. Note on above Condition: Please note that with effect from 1st January 2014 Uisce Éireann are now the statutory body responsible for both water and wastewater services. Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. Further details/clarification can be obtained from Uisce Éireann at Tel. 1800 278 278.

Countywide Transport Infrastructure
9. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €2, 494.98 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Local Authority in respect of the provision of the Transport Infrastructure benefiting development in the area of the Planning Authority, as provided for in the Development Contribution Scheme 2023-2028 made by Dún Laoghaire-Rathdown County Council on the on the 9th of October 2023. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSI Tender Price Index commencing from 1st January 2025. Contributions shall be payable at the index-adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Article 4.7 of the Scheme. Outstanding balances as of the 1st of January each year shall be subject to indexation and adjusted accordingly until the contribution has been paid in full. (See Article 8.3 of the Scheme) .
REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Transport Infrastructure benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

Countywide Community & Parks facilities & Recreational amenities
10. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €13, 971.22 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Local Authority in respect of the provision of the Community & Parks facilities & Recreational amenities benefiting development in the area of the Planning Authority, as provided for in the Development Contribution Scheme 2023-2028 made by Dún Laoghaire-Rathdown County Council on the 9th of October 2023. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSI Tender Price Index commencing from 1st January 2025. Contributions shall be payable at the index-adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Article 4.7 of the Scheme. Outstanding balances as of the 1st of January each year shall be subject to indexation and adjusted accordingly until the contribution has been paid in full. (See Article 8.3 of the Scheme)
REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Community & Parks facilities & Recreational amenities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

11. This development shall not be carried out without prior agreement, in writing, between the Applicant and the Planning Authority relating to the payment of development contributions.
REASON: Investment by Dún Laoghaire-Rathdown County Council in Local Authority works has facilitated and will facilitate the proposed development. It is considered appropriate and reasonable that the developer should contribute to the cost of same.

NOTE: The attention of the applicant is drawn to Section 34(13) of the Planning and Development Act 2000, which relates as follows- 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.

NOTE: The applicant is advised that in the event of encroachment or oversailing of the adjoining property, the consent of the adjoining property owner is required. If this written agreement is not obtained the proposed development shall be modified only insofar as is required to do this.

NOTE: Any alterations to the drainage systems within the site are a matter for compliance with the Building Regulation.

NOTE: That water supply and foul drainage shall be in accordance with the requirements of Uisce Éireann/Irish Water.

In deciding this planning application, the Planning Authority, in accordance with Section 34 (3) of the Planning & Development Act, as amended, has had regard to any submissions / observations received in accordance with the Planning & Development Regulations, 2001 – 2012 pertaining to this application.

If a decision has been made to Grant or Refuse the application, you may appeal to An Coimisiún Pleanála against the Council's decision within 4 weeks beginning on the date of the decision. An appeal made to An Coimisiún Pleanála by a third party will be invalid unless it is fully complete and accompanied by the correct fee and the Receipt of Acknowledgement issued by the Planning Authority in respect of your Submission/observation on the planning application.

All correspondence in relation to appeals should be addressed to:
The Secretary, An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1.

Please note that, in accordance with Section 251 of the Planning and Development Act, 2000, "where calculating any appropriate period or other time limit referred to in this Act or in any regulations made under this Act, **the period between the 24th Day of December and the first day of January, both days inclusive, shall be disregarded**".

Yours faithfully

Bernie Gilsenan

_____
for Senior Executive Officer

Brendan Buck | BPS Planning

From: Dun Laoghaire Rathdown County Council <no-reply@agileapplications.co.uk>
Sent: 30 September 2026 15:45
To: Info | BPS Planning
Subject: Citizen Portal - New comment received on a Planning Application

You don't often get email from no-reply@agileapplications.co.uk. Learn why this is important

Comhairle Contae County Council

Dear Brendan Buck

Thank you, we have received your comment/observation on planning application ref D26A/0651/WEB regarding The development will consist of the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house, and new vehicular entrance in the existing boundary wall with two off-street car parking spaces with access via 'Beeches Park', and associated hard and soft landscaping and SuDS drainage. The site is located in the backlands of No. 18 Marlborough Road and is located in an Architectural Conservation Area. at Beeches Park, to rear of No. 18 Marlborough Road, Glenageary, Dublin. Your comment/observation will be reviewed and once approved will be taken into consideration. The online Planning details can be accessed here

Please note that only comments that are material considerations can be taken into account when assessing a planning application. You can keep track of your comments in the "my comments" area of the Portal.

Regards,

Dun Laoghaire County Council

Comhairle Contae County Council

Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire
Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland
Tel: 01 205 4700 Fax: 01 280 6969 Web: www.dlrcoco.ie

Mr. Brendan Buck,
obo Grace O'Regan and Simon Mills
BPS Planning and Development Consultants
PO Box 113658
Dublin
D144NY27

Receipt for Submission

Date: 02-Oct-2026

Register Ref: D26A/0651/WEB **Date Recd:** 31-Aug-2026
Development: The development will consist of the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house, and new vehicular entrance in the existing boundary wall with two off-street car parking spaces with access via 'Beeches Park', and associated hard and soft landscaping and SuDS drainage. The site is located in the backlands of No. 18 Marlborough Road and is located in an Architectural Conservation Area.

Location: Beeches Park, to rear of No. 18 Marlborough Road, Glenageary, Dublin

Applicant: David Cullen
App. Type: Permission

Dear Sir/Madam

I wish to acknowledge receipt of your submission/observation in relation to the above planning application.

All documents are available to view on-line.

You will be notified of the Council's decision in due course.

Please note that, in accordance with Section 251 of the Planning and Development Act, 2000, "where calculating any appropriate period or other time limit referred to in this Act or in any regulations made under this Act, **the period between the 24th Day of December and the first day of January, both days inclusive, shall be disregarded**".

Please note, in accordance with Article 35 of the Planning and Development Regulations 2001 – 2012, persons who made a submission or observation on a planning application will only be notified of the receipt of Further Information(FI) or Clarification of Further Information (CFI), where that FI or CFI is considered significant and requires new public notices.

PLEASE RETAIN THE ATTACHED ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION. A PERSON MAKING AN APPEAL TO AN COIMISIUN PLEANALA MUST INCLUDE IN THEIR APPEAL THIS ACKNOWLEDGEMENT BY THE PLANNING AUTHORITY OF RECEIPT OF THE SUBMISSION/OBSERVATION.

Comhairle Contae County Council

Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire
Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland
Tel: 01 205 4700 Fax: 01 280 6969 Web: www.dlrcoco.ie

Yours faithfully

Bernie Gilsenan

_____
for SENIOR EXECUTIVE OFFICER

(email: planning@dlrcoco.ie telephone: 01-2054863)

Comhairle Contae County Council

Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire
Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland
Tel: 01 205 4700 Fax: 01 280 6969 Web: www.dlrcoco.ie

ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT

Keep this document safely. You will be required to produce this acknowledgement to An Coimisiun Pleanala if you wish to appeal the decision of the Planning Authority. It is the only form of evidence which will be accepted by An Coimisiun Pleanala that a Submission or Observation has been made to the Planning Authority on the Planning Application.

DÚN LAOGHAIRE RATHDOWN COUNTY COUNCIL

Planning Application Reference Number: D26A/0651/WEB

A Submission/Observation in writing has been received from:
Mr. Brendan Buck,
obo Grace O'Regan and Simon Mills
BPS Planning and Development Consultants
PO Box 113658
Dublin
D144NY27

On: 29/09/2026 in relation to the above planning application.

The appropriate fee of €20 has been paid. (fee not applicable to prescribed bodies / Local Authority Elected Members).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001, (as amended) and will be taken into account by the Planning Authority in its determination of the planning application.

Bernie Gilsenan
For Senior Executive Officer Date 29/09/2026

Planning Authority Stamp

29/09/2026

Comhairle Contae County Council

Comhairle Contae County Council

Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire
Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland
Tel: 01 205 4700 Fax: 01 280 6969 Web: www.dlrcoco.ie

Ms Sinead Reihill
Inver
Marlborough Road
Glenageary
DUBLIN
A96V4D8

Receipt for Submission

Date: 06-Oct-2026

Register Ref: D26A/0651/WEB **Date Recd:** 31-Aug-2026
Development: The development will consist of the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house, and new vehicular entrance in the existing boundary wall with two off-street car parking spaces with access via 'Beeches Park', and associated hard and soft landscaping and SuDS drainage. The site is located in the backlands of No. 18 Marlborough Road and is located in an Architectural Conservation Area.

Location: Beeches Park, to rear of No. 18 Marlborough Road, Glenageary, Dublin

Applicant: David Cullen
App. Type: Permission

Dear Sir/Madam

I wish to acknowledge receipt of your submission/observation in relation to the above planning application.

All documents are available to view on-line.

You will be notified of the Council's decision in due course.

Please note that, in accordance with Section 251 of the Planning and Development Act, 2000, "where calculating any appropriate period or other time limit referred to in this Act or in any regulations made under this Act, **the period between the 24th Day of December and the first day of January, both days inclusive, shall be disregarded**".

Please note, in accordance with Article 35 of the Planning and Development Regulations 2001 – 2012, persons who made a submission or observation on a planning application will only be notified of the receipt of Further Information(FI) or Clarification of Further Information (CFI), where that FI or CFI is considered significant and requires new public notices.

PLEASE RETAIN THE ATTACHED ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION. A PERSON MAKING AN APPEAL TO AN COIMISIUN PLEANALA MUST INCLUDE IN THEIR APPEAL THIS ACKNOWLEDGEMENT BY THE PLANNING AUTHORITY OF RECEIPT OF THE SUBMISSION/OBSERVATION.

Comhairle Contae County Council

Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire
Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland
Tel: 01 205 4700 Fax: 01 280 6969 Web: www.dlrcoco.ie

Yours faithfully

Bernie Gilsenan

_____
for SENIOR EXECUTIVE OFFICER

(email: planning@dlrcoco.ie telephone: 01-2054863)

Comhairle Contae County Council

Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire
Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland
Tel: 01 205 4700 Fax: 01 280 6969 Web: www.dlrcoco.ie

ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT

Keep this document safely. You will be required to produce this acknowledgement to An Coimisiun Pleanala if you wish to appeal the decision of the Planning Authority. It is the only form of evidence which will be accepted by An Coimisiun Pleanala that a Submission or Observation has been made to the Planning Authority on the Planning Application.

DÚN LAOGHAIRE RATHDOWN COUNTY COUNCIL

Planning Application Reference Number: D26A/0651/WEB

A Submission/Observation in writing has been received from:
Ms Sinead Reihill
Inver
Marlborough Road
Glenageary
DUBLIN
A96V4D8

On: 05/10/2026 in relation to the above planning application.

The appropriate fee of €20 has been paid. (fee not applicable to prescribed bodies / Local Authority Elected Members).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001, (as amended) and will be taken into account by the Planning Authority in its determination of the planning application.

Bernie Gilsenan
For Senior Executive Officer Date 05/10/2026

Planning Authority Stamp

05/10/2026

Comhairle Contae County Council

BPS
Planning & Development Consultants

Third Party Planning Appeal Report

Third Party Planning Appeal against the decision of Dún Laoghaire-Rathdown County Council to grant permission under Register Reference D26A/0651/WEB, which refers to proposed development described in the statutory notices as follows: "The development will consist of the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house, and new vehicular entrance in the existing boundary wall with two off-street car parking spaces with access via 'Beeches Park', and associated hard and soft landscaping and SuDS drainage. The site is located in the backlands of No. 18 Marlborough Road and is located in an Architectural Conservation Area" at Beeches Park, to rear of No. 18 Marlborough Road, Glenageary, Dublin.

This Planning Appeal Report has been produced by BPS Planning & Development Consultants Ltd for and on behalf of Grace O'Regan and Simon Mills of 6 Station Road, Glenageary, Co. Dublin and Sinéad Reihill of Inver, Marlborough Road, Glenageary.

Document Control Sheet

Project	Third Party planning appeal in respect of Dun Laoghaire-Rathdown County Council planning decision, reg. ref. D26A/0651/WEB.
Project No.	2026 – 488 (appeal stage)
Document title	Planning Appeal Report

Contents	No. of pages
Cover page	1
Control sheet	1
Table of contents	2
Text	70
Total No. of Pages	74

Rev.	Distribution	Author	Checked	Approved	Day	Month	Year
1	Clients	EB	FB	BB	10	11	2026
2	Clients	EB	FB	BB	16	11	2026
3	An Coimisiún Pleanála	EB	FB	BB	18	11	2026

BPS Planning & Development Consultants LTD
PO Box 13658, Dublin 14, D14NY27
Tel: 01 539 4960 / 087-2615871
Email: info@bpsplanning.ie
Web: www.bpsplanning.ie

This document has been prepared for the exclusive use of our Client and unless otherwise agreed in writing with BPS Planning & Development Consultants LTD, no other party may use, make use of, or rely on the contents of this document. The document has been compiled using the resources agreed with the Client, and in accordance with the agreed scope of work. BPS Planning & Development Consultants LTD accepts no responsibility or liability for any use that is made of this document other than for the purposes for which it was originally commissioned and prepared, including by any third party, or use by others, of opinions or data contained in this document. BPS Planning & Development Consultants LTD accepts no liability for any documents or information supplied by others contained or referenced in this document. It is expressly stated that no independent verification of any documents or information supplied by others for this document has been made. BPS Planning & Development Consultants LTD has used reasonable skill, care, and diligence in compiling this document. It should be noted that no changes of whatsoever nature are to be made to any wording, information or details set out or contained in any BPS document unless the express consent has been obtained in advance, in writing, from BPS.

Date: 18 November 2026

Contents

1.0 Introduction

1.1 Appeal fee
1.2 Rationale for & summary of appeal

2.0 Site location and description

2.1 Site location & description relative to the clients' property (6 Station Road)
2.2 The existing house, the garden and the ACA - no assessment

3.0 Proposed development

3.1 The proposed development relative to clients' property

4.0 Technical/planning law concerns with this planning application

4.1 Red line boundary concerns
4.2 Blue line boundary concerns
4.3 Incomplete development description and defective site notice
4.4 Works to a structure and its setting in an ACA
4.5 Beeches Park wall – DLRCC ownership, no consent, & a notice that conceals the works
4.6 Technical roads concerns
4.6.1 New access onto a public lane - roads authority
4.6.2 Visibility splays and safe entry and exit
4.6.3 Cars cannot be shown to enter and leave in a forward direction
4.6.4 Pedestrian safety - yellow lines and no footpath on the site side of the lane
4.6.5 Construction-phase access is not designed
4.7 Missing assessments the location requires
4.8 Water and Drainage issues
4.8.1 No evidence of an Uisce Éireann connection enquiry
4.8.2 Drainage report does not close out the lane sewer
4.8.3 Attenuation and SuDS are not shown to the Development Plan standard
4.9 Private open space for both dwellings is not demonstrated

5.0 Zoning & designations

6.0 Planning history

6.1 The application site
6.2 Pattern on Beeches Park and Marlborough Road
6.2.1 No. 16 obtained permission in 2014 for a single storey dwelling
6.3 Refusal at 13 Marlborough Road - D21A/1057 / ABP-312909-22 (Crevamor)
6.4 The applicant's Design Statement's claimed precedents do not exist
6.5 Other DLRCC and Commission refusals of two-storey backland / lane housing
6.6 History conclusion

7.0 Grounds of appeal

7.1 Ground 1: Adoption of the original Objection Report's grounds as issued to DLRCC

7.2 Ground 2: Detailed concerns over the DLRCC planning assessment and decision

7.2.1 Failure to follow the recommendation of the Senior Executive Conservation Officer
7.2.2 Redesign of the scheme by excessive compliance conditions
7.2.3 Contrary to the Development Management Guidelines and standard practice

7.3 Ground 3: The principle of this house on this lane should not be accepted

7.4 Ground 4: The proposal is contrary to planning & conservation policy

7.4.1 Section 82, the Architectural Heritage Protection Guidelines (2011) and HER13
7.4.2 Development Plan policies and objectives relevant to this case
7.4.3 Instances of non-compliance

7.4.4 Trees / wildlife
7.4.5 Conclusion on Ground 4

7.5 Ground 5: The proposal is contrary to planning policy

7.5.1 How the policies are to be read
7.5.2 Compact Settlements Guidelines 2024
7.5.3 Dun Laoghaire-Rathdown Development Plan 2022-2028
7.5.3.1 Policy Objective PHP20 — Protection of Existing Residential Amenity
7.5.4 Section 12.3.7.6 - Backland Development
7.5.5 PHP22 and Section 12.3.7.9 - Mews
7.5.6 Policy Objective HER13 - Architectural Conservation Areas
7.5.7 Building Height Strategy and PHP42
7.5.8 Section 12.3.7 - general residential criteria
7.5.9 Climate and landscape policies
7.5.10 Rebuttal of the covering letter (28 August 2026) and Design Statement policy case
7.5.11 Conclusion on the policy grounds

7.6 Ground 6: Siting, height, scale, mass, bulk and design

7.6.1 Height and scale
7.6.2 Siting - on the party wall and as close as possible to our clients
7.6.3 Mass and bulk
7.6.4 Overdevelopment
7.6.5 Design in the ACA
7.6.6 Visual impact and missing views
7.6.7 Overbearing toward 6 Station Road
7.6.8 Private open space
7.6.9 What would comply
7.6.10 Conclusion on Ground 6

7.7 Ground 7: Injury to the residential amenity of 6 Station Road

7.7.1 Adverse overbearing
7.7.2 Visual intrusion and obstruction - 6 Station Road
7.7.3 Overlooking, privacy and surveillance - 6 Station Road
7.7.4 Residual daylight, sunlight and overshadowing impacts
7.7.4.1 What the diagrams show
7.7.5 Headlights, vehicle noise and the siting of the parking
7.7.6 Construction-phase impacts on 6 Station Road
7.7.7 Operational phase matters not addressed - Bins, lighting and night use of the opening
7.7.8 Inadequate separation and no screening on the applicant's land
7.7.9 Conclusion

7.8 Ground 8: Context-less design quality of the Beeches Park elevation

7.9 Ground 9: Surface water, the slope and building on the wall

7.9.1 Surface water should be addressed for the entire existing property

7.10 Ground 10: Adverse precedents would be created by this planning application

7.11 Ground 11: Depreciation in the value of adjoining properties

7.12 Ground 12: Construction phase concerns – issued without prejudice

7.12.1 There is no construction method on the file
7.12.2 Hours
7.12.3 Complaints
7.12.4 The party wall and vibration
7.12.5 Noise
7.12.6 Conclusion

8.0 Conclusion

9.0 Recommendation

9.1 Recommended reasons for refusal
9.2 Observations on the absence of further information

1.0 Introduction

BPS Planning and Development Consultants Ltd, a firm of Irish Planning Institute[1] accredited town planning and development consultants, has been retained by Grace O'Regan and Simon Mills of 6 Station Road, Glenageary, Co. Dublin and by Sinéad Reihill of Inver, Marlborough Road, Glenageary, Co. Dublin [hereafter "the Appellants" or "clients"] to lodge a third-party planning appeal on their behalf against the decision of Dún Laoghaire-Rathdown County Council [hereafter "DLRCC"] to grant permission under Register Reference D26A/0651/WEB.

Ms Reihill is an immediate neighbour who shares a boundary with the application site. She made a valid observation on the application. She supports this appeal and shares the Appellants' concerns regarding the principle of the development, the character of the Marlborough Road Architectural Conservation Area, tree loss and residential amenity. The detailed assessment in this report focuses primarily on the impacts on 6 Station Road, which is the closest occupied dwelling to the proposed Beeches Park elevation, new vehicular opening and parking spaces.

The development, located on a very small backland site of approximately 0.036 ha at Beeches Park, to the rear of No. 18 Marlborough Road, Glenageary, Dublin, is described in the statutory notices as follows: The development will consist of the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house, and new vehicular entrance in the existing boundary wall with two off-street car parking spaces with access via 'Beeches Park', and associated hard and soft landscaping and SuDS drainage. The site is located in the backlands of No. 18 Marlborough Road and is located in an Architectural Conservation Area.

The Appellants made valid third-party observations/submissions on the planning application at the local authority stage. DLRCC subsequently decided to grant permission for the proposed development without issuing a request for further information and without imposing conditions that adequately address the significant planning concerns raised. This third-party appeal is lodged within the statutory four-week period beginning on the date of the planning authority's decision.

Our clients wish to confirm that they have not agreed to any part of this development or to any of the impacts that it would have on their property and/or on their area. Our clients maintain several significant planning concerns/grounds of appeal in respect of the decision to grant permission. These are set out in turn in Section 7.0 'Grounds of Appeal' of this report.

For the convenience of An Coimisiún Pleanála, BPS has: (i) outlined the existing development context; (ii) set out the proposed development; (iii) reviewed the planning history of the application site; (iv) set out the context for the proposed development; (v) carried out a relevant planning policy assessment of the proposed development; and (vi) set out the grounds of appeal. These details are set out below.

1.1 Appeal fee

The sum of €220 payable to An Coimisiún Pleanála to ensure this third-party planning appeal is validly received has been paid.

1.2 Rationale for & summary of appeal

BPS Planning & Development Consultants Ltd acts for Grace O'Regan and Simon Mills of 6 Station Road, Glenageary, and for Sinéad Reihill of Inver, Marlborough Road, Glenageary.

Grace O'Regan and Simon Mills occupy No. 6 Station Road, which sits immediately east of the rear garden of No. 18 and of the proposed Beeches Park elevation, at the junction of Station Road and Beeches Park. They (Grace and Simon) are the closest occupied dwelling to the proposed two-storey elevation, the new opening in the wall, and the parking spaces. Sinéad Reihill occupies Inver on Marlborough Road and shares a boundary with the application site. Neither household has agreed to any part of this development.

Sections 2.0–6.0 set out the site context, proposed development, technical concerns, zoning and planning history for the convenience of the Commission. The essential grounds of this appeal are set out in Section 7.0.

The site is a plot of about 0.036 hectares cut from the rear garden of Warriston, No. 18 Marlborough Road. It lies in the Marlborough Road Architectural Conservation Area. Access is proposed from Beeches Park, a short lane with double yellow lines, no usable footpath on the applicant side of the

[1] https://ipi.ie/

lane, a lighting column south of the opening, and a junction with Station Road a few metres to the north. There is no house on this land today. There is no vehicle opening. No house has been built in the rear garden of a Marlborough Road property in this ACA presenting two storeys to Beeches Park. This would be the first.

The applicant describes a diminutive garden house. The correct tests are Zoning Objective A, Policy Objective PHP20, Section 12.3.7.6 (backland), HER13 and the Compact Settlements Guidelines (2024). Policy Objective PHP22 and Section 12.3.7.9 apply only to suitable historic mews lanes. Beeches Park is not indicated as such a lane on the zoning map. The application cannot choose the mews chapter.

The house is two storeys and 7.44 metres high, built onto the public party wall. Half of that wall is understood to be DLRCC's. First-floor windows and a vehicular entrance (also for pedestrian use) would face the lane. The existing house at No. 18 sits on lower ground. The new house would read still taller from 6 Station Road. Section 12.3.7.6 requires confined backland houses generally to be single storey, 22 metres from facing first-floor windows, 60 sq.m of private open space exclusive of parking for each four-bed house, and a lane 3.7 metres wide (3.1 metres at a pinch) for a fire tender. The applicant's own figure to No. 18 is 20 metres. Open space after parking is not tabulated for both houses. There is no swept-path and no visibility splay.

DLRCC and the Commission refused (on 11/05/2023) a 7.02 metre two-storey rear house at No. 13 Marlborough Road (D21A/1057 / ABP-312909-22) for size, siting, trees, harm to the ACA and precedent. Commission Planning Inspector Hamilton held that these plots are generous gardens with mature trees and hedging, that ACA tests are more onerous than ordinary infill, and that national guidance restricts infilling gardens.

The only permission on Beeches Park (D14A/0779) was single storey and was not built.

Likely adverse impacts on 6 Station Road have not been assessed. There is no BRE 209 study, no verified view from the front of that house, and no note on headlights or reversing toward their rear garden and rear elevation. Overlooking and the feeling of being watched are our clients' primary concern. They are the only neighbour with this juxtaposition.

The Design Statement's claim of "no effect" on the ACA is not an appraisal. There is no conservation report and no arborist report. Drawing 107 marks trees for removal. Drainage is red-line only and does not model the fall toward No. 18 and toward the lane once the wall is gone. There is no Uisce Éireann Confirmation of Feasibility and no construction method that keeps plant off the pinch.

DLRCC has granted permission for the proposed development without issuing a request for further information and without imposing conditions that adequately address the significant planning concerns raised. The decision is at variance with the recommendation of DLRCC's own Senior Executive Conservation Officer, with the guidance contained in the Development Management Guidelines for Planning Authorities (June 2007), and with previous decisions of An Coimisiún Pleanála on comparable backland proposals within the Marlborough Road Architectural Conservation Area.

A grant would set a precedent for two-storey garden infill on this lane, for replacing an ACA wall with a building, and for piecemeal new gates. Fourth Schedule reason 10(c) is engaged.

BPS has reviewed the application form, notices, drawings 001–107, Design Statement, drainage report, landowner consent, DLRCC's decision and the professional advice of its conservation officer. The scheme would injure the amenity of 6 Station Road and of Beeches Park. It fails Objective A, PHP20, Sections 12.3.7.6, 12.3.7.7 and 12.11.4, HER13, landscape and water policy, and the Compact Settlements Guidelines as they apply to existing occupiers.

An Coimisiún Pleanála is requested to refuse permission for the reasons set out in Sections 9.0 and 9.1 of this report.

2.0 Site location and description

The application site is a plot of about 0.036 hectares that would be cut from the rear garden of Warriston, No. 18 Marlborough Road, Glenageary, and turned to face Beeches Park. No. 18 would remain. The garden would be subdivided by a new boundary. The site lies in an Architectural Conservation Area. No conservation assessment of that subdivision, of the new opening in the lane wall, or of the loss of garden and trees as part of the ACA plot pattern has been submitted. DLRCC has granted permission for the proposed development without issuing a request for further information and without imposing conditions that adequately address these deficiencies.

There is no vehicular access to this land at present. The Beeches Park frontage is a continuous boundary wall about 1.2 metres high. The scheme would break that wall for a new gate and two parking spaces. Beeches Park is a short, narrow lane between Station Road to the north and the long gardens of

Marlborough Road to the west. Double yellow lines run along the lane because two cars cannot pass. An electricity pole stands just south of the proposed entrance. The entrance would sit very close to the junction with Station Road.

Grace O'Regan and Simon Mills occupy No. 6 Station Road, on the south side of Station Road, immediately east (across the laneway) of the rear garden of No. 18 / of the application site, at the Station Road end of Beeches Park. They would take headlights, turning movements and the new two-storey frontage at close range. Sinéad Reihill occupies Inver on Marlborough Road and shares a boundary with the application site.

The neighbourhood is established suburban housing: two-storey houses, long rear gardens, mature trees and narrow side lanes. Glenageary DART station and the Sandycove / Glenageary / Dalkey built-up area lie nearby. The character of this part of the ACA is plot depth, rear gardens, boundary walls and planting. There is no two-storey house in the rear garden of a Marlborough Road property in this ACA that presents a public elevation and a new gate to Beeches Park. Green Gates, in the rear garden of No. 1 Marlborough Road, is a single-storey house. It is accessed from Adelaide Road, is well set back from that road, and is concealed behind an old stone wall. It is not a Beeches Park frontage, and it is not a two-storey dwelling sited on a public party wall. It does not justify this scheme.

The site is zoned Objective A: to protect and/or improve residential amenity. A house is acceptable in principle only if amenity and heritage are protected. This is backland development under Section 12.3.7.6. It is not a mapped mews lane. Policy Objective PHP22 and Section 12.3.7.9 apply only where mews development is suitable and, in DLR practice, where that suitability is indicated for the lane. Beeches Park is not shown on the Development Plan zoning map as a mews lane where such development is permitted in principle.

A greenhouse is to be removed. Mature trees on the plot are marked for removal on drawing 107. The new house would be two storeys and 7.44 metres high, with its public face to the lane. That is a change to Beeches Park and to the ACA garden of No. 18, not a change contained inside a private plot.

2.1 Site location & description relative to the clients' property (6 Station Road)

No. 6 Station Road is a family house on the south side of Station Road, immediately east of the rear garden of No. 18 and of the application site, at the Station Road end of Beeches Park.

Our clients' front and rear gardens adjoin the lane. Their rear first floor windows also maintain angled views of the trees in the applicant site as it currently appears.

The existing house at No. 18 sits on lower ground than 6 Station Road. The proposed house would be built up toward the Beeches Park / Station Road end of the garden, so its two-storey, 7.44 metre form would read still taller from our clients' side. The applicant's site section should be read with those relative levels: the scheme is not only closer to Station Road than No. 18: it is also on higher ground relative to our clients than the parent house is.

The application site is not a vacant gap on Station Road. It is the rear garden of Warriston, No. 18 Marlborough Road, turned to face Beeches Park. The new house would present a two-storey, 7.44 metre elevation and a new vehicle opening to that lane. Cars entering and leaving the two parking spaces would use the same narrow carriageway that serves Beeches Park and that meets Station Road beside our clients' house.

That is a close residential relationship. It is not the same as a house in a mid-block garden with no lane frontage. Headlights, turning movements, first-floor windows, loss of trees and construction traffic would all be experienced at 6 Station Road and along Beeches Park.

The applicant's Design Statement treats the scheme as a compact house set into a garden, of no effect on the ACA. It does not describe the relationship across Beeches Park to Station Road. It does not assess overlooking, overbearing or overshadowing at 6 Station Road. It does not assess the safety of a new gate at a pinch point on the lane. These omissions were not addressed by DLRCC in its decision to grant permission.

The wider setting is an established suburban street of two-storey houses, long gardens, mature planting and narrow lanes, inside an Architectural Conservation Area and zoned Objective A. Further two-storey backland houses with new openings onto Beeches Park would change that pattern. Our clients' property is the house that would live with the first of those openings at the Station Road end of the lane. It is noted that the existing property has for many years maintained a wall, a tall wooden fence and trees along the Beeches Park interface specifically to protect privacy from overlooking by properties to the east (including 6 Station Road). Those same privacy concerns appear to have been set aside in the current application.

Such concerns are clearly being waived for the current planning application with our clients' privacy clearly not being of concern to the existing property owners and/or the applicant.

The applicant has not surveyed 6 Station Road. There is no cross-section through our clients' patio, kitchen window, or first-floor bedrooms. BPS has not provided a measured survey of 6 Station Road; the applicant chose not to prepare one. The cross-sections therefore remain incomplete. What the drawings do show is a two-storey, 7.44 m elevation on the public wall at the pinch of the lane, on higher ground than No. 18, immediately opposite the Station Road frontage of No. 6. Separation is short. It has not been dimensioned window-to-window. While Section 12.3.7.6's 22 m test is written for facing first-floor windows, the planning application does not demonstrate that test to 6 Station Road because 6 Station Road was not assessed and the planning application is also silent on a qualitative assessment. DLRCC's decision to grant permission does not remedy this gap.

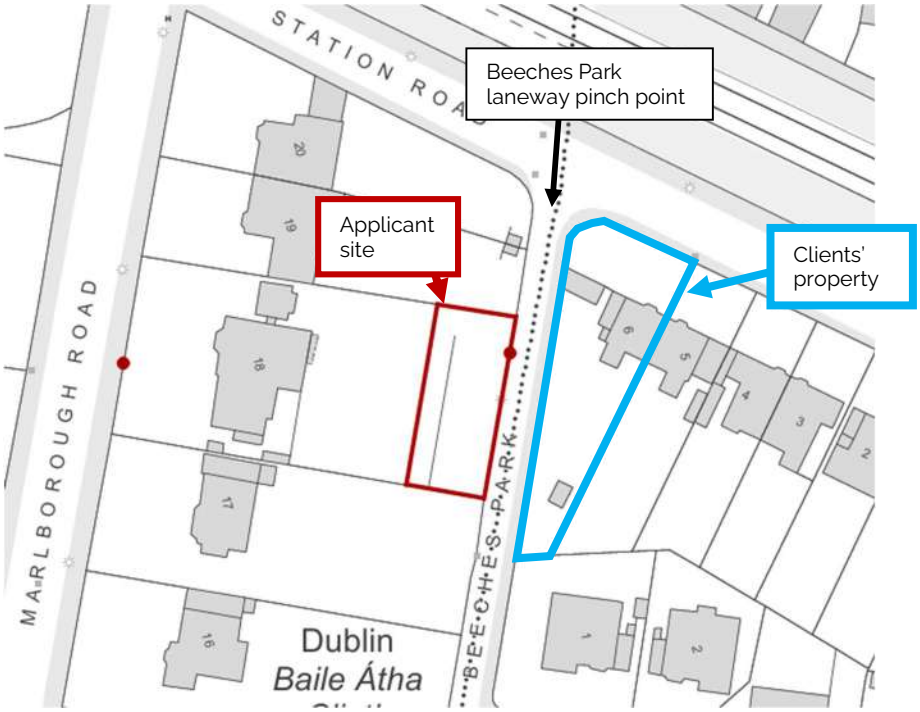


Fig. 1: The applicant property location relative to clients' property

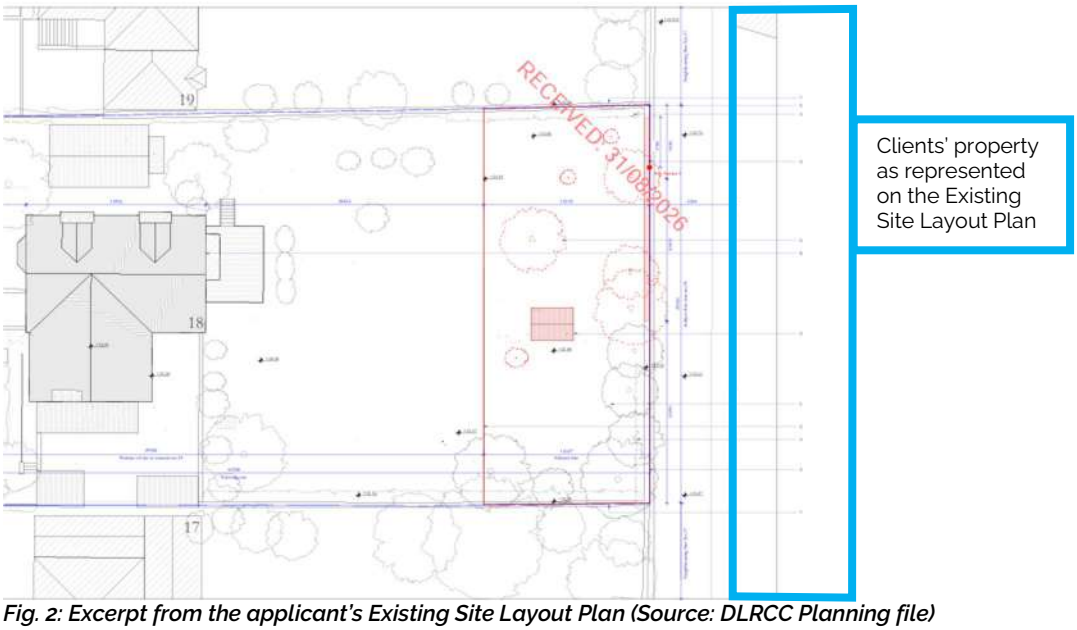


Fig. 2: Excerpt from the applicant's Existing Site Layout Plan (Source: DLRCC Planning file)



Fig. 3: Excerpt from the applicant's Section showing rising ground levels from the existing house through the applicant's site and toward our clients' property (Source: DLRCC Planning file)



Fig. 4: The applicant property location relative to clients' property (Source: Google Earth, annotated by BPS)



Fig. 5: The applicant property location relative to clients' property (Source: Google Earth, annotated by BPS)



Fig. 6: The applicant property location relative to clients' property (Source: Google Earth, annotated by BPS)



Fig. 7: The applicant property location relative to clients' property (Source: Google Earth, annotated by BPS)



Fig. 8: The existing appearance of the applicant's site as it interfaces with the Beeches Park lane – view south (Source: Google Streetview, annotated by BPS)



Fig. 9: The existing appearance of the applicant's site as it interfaces with the Beeches Park lane – view north (Source: Google Streetview, annotated by BPS)



Fig. 10: The existing appearance of the site of the proposed vehicular entrance (double yellow lines, wall, electricity pole) – view north (Source: Google Streetview, annotated by BPS)



Fig. 11: The existing appearance of the site of the proposed vehicular entrance (double yellow lines, wall, etc.) – view south (Source: Google Streetview, annotated by BPS)



Fig. 12: The electricity pole (Source: Client photo)

2.2 The existing house, the garden and the ACA - no assessment

This is not a replacement-dwelling application under Section 12.3.9. Warriston, No. 18 Marlborough Road, is to remain. What is proposed is the subdivision of its rear garden in an Architectural Conservation Area, the removal of mature trees, the breaking of a continuous Beeches Park wall, and the insertion of a two-storey house where the Development Plan map does not indicate a mews lane.

None of that has been assessed.

There is no conservation report. There is no appraisal of the contribution that the long garden, the 1.2 to 1.7 metre tall lane wall, the tree canopy and the unbroken rear-garden pattern of Marlborough Road make to the ACA. There is no assessment of what the residual plot at No. 18 will be: garden depth, private open space, outlook, or the character of a house that would no longer sit in a deep planted plot. The Design Statement says the new house will have no effect on the ACA. That is a conclusion without a study. DLRCC's own Senior Executive Conservation Officer recommended refusal on grounds including failure to comply with Policy Objective HER13 and Section 12.11.4. DLRCC's decision to grant permission does not overcome this absence of assessment.

Section 12.3.9 is still relevant in spirit. The Plan prefers retention of existing residential fabric and of the setting that makes that fabric work. Policy on ACAs requires development to preserve or enhance character, including plots, boundaries and trees. Section 12.7.3 requires existing site features - specimen trees, stands of mature trees, hedgerows - to be identified and retained where they contribute to character. Drawing 107 marks trees for removal. Those trees are the sylvan setting of No. 18 and of

Beeches Park. They are not protected in this application. They are treated as an obstacle to a parking bay and a floor plate.

Google imagery and the submitted existing drawings show a deep, planted garden behind a modest wall, with no vehicle break onto Beeches Park and no house in any Marlborough Road rear garden in the ACA. That is the historic plot pattern. Cutting a 0.036 hectare site from it, opening a gate beside an electricity pole and double yellow lines, and placing a 7.44 metre house on the lane is a change to No. 18 and to the ACA. The applicant's planning application does not assess that change, and the decision to grant permission does not address it.

Our clients' property boundary extends immediately on the other side of the laneway from the subject site. The application does not assess impact on their dwelling either.



Fig. 13: The historic setting of No. 18 – trees, fence and wall protect its privacy from the lane to the rear (Source: Google Earth, annotated by BPS)

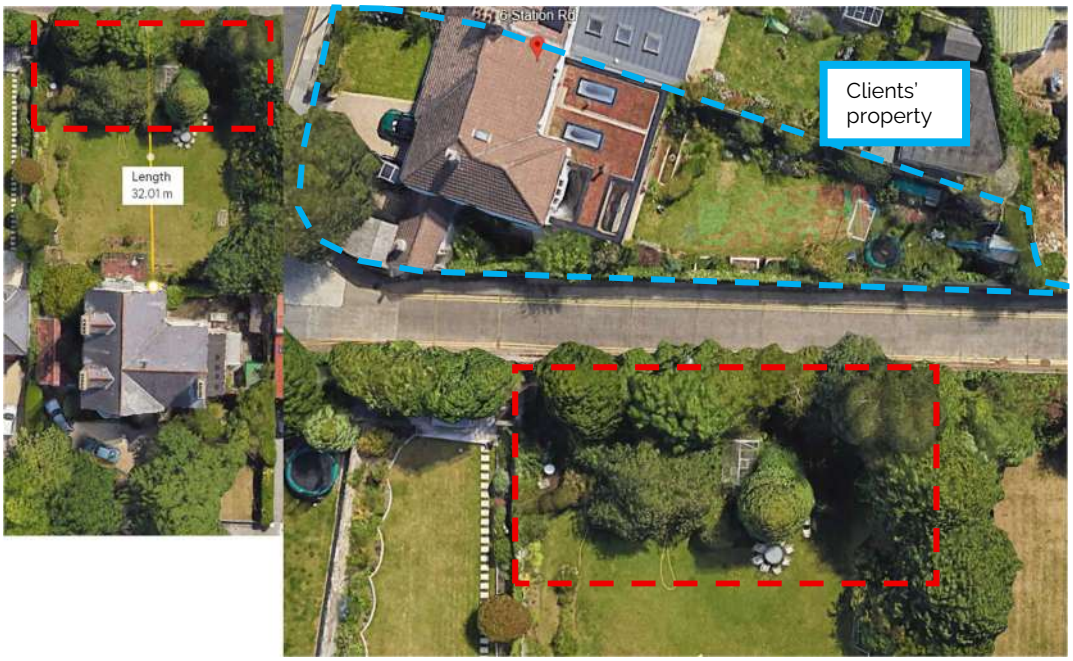


Fig. 14: Existing garden of No. 18 - depth, trees and unbroken Beeches Park wall (Source: Google Earth, annotated by BPS)



Fig. 15: Residual garden left to No. 18 after subdivision (to be measured on the site plan) (Source: Google Earth and the planning file. annotated by BPS)

3.0 Proposed development

The proposed development comprises of:

1. the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house,
2. new vehicular entrance in the existing boundary wall.
3. two off-street car parking spaces with access via 'Beeches Park'.
4. associated hard and soft landscaping and SuDS drainage.

The site is located in the rear garden of No. 18 Marlborough Road and is located in an Architectural Conservation Area.

3.1 The proposed development relative to clients' property

The applicant proposes to cut out a site of about 0.036 hectares from the rear garden of Warriston, No. 18 Marlborough Road, and to build a detached two-storey, 7.44 metre, four-bedroom house on that site, with two parking spaces and a new gate in the Beeches Park wall. No. 18 remains. The deep planted garden that now forms part of the setting of the lane, Station Road, and 6 Station Road would not.

The house is pushed to the limits of the small area of existing rear garden which comprises the subject site. The Beeches Park elevation replaces the party wall and sits on the lane, on or over DLRCC's half of that wall, with first-floor windows opening onto yellow lines and no footpath on the applicant side of the lane. The building is also pulled as far north as the plot allows, toward Station Road and toward 6 Station Road, at two storeys, on ground that is higher relative to our clients than the floor level of No. 18. There is no set-back from the public boundary and no meaningful set-back from the junction. The design is the maximum envelope the 0.036 hectare slice can take, not a house that has been placed to protect the lane or the adjoining occupiers.

There is no house on this land today. There is no vehicle opening. The Beeches Park frontage is a wall about 1.2 metres high. Mature trees stand on the plot. No house has been built in the rear garden of any Marlborough Road property in this ACA. The scheme would be the first. To put a four-bedroom house and two cars on 360 sq.m, the applicant asks DLRCC and our clients to accept the following:

- ***Subdivision of an ACA house plot with no conservation assessment:*** No. 18 loses the rear part of its garden. A new boundary is drawn through that garden. Trees go. The lane wall is broken. None of that is described as works to an ACA dwelling. None of it is assessed.

- ***Built to the party boundary and as close as possible to 6 Station Road:*** The front wall takes the place of the lane wall. The north end of the house is hard against the Station Road side of the garden. A two-storey, 7.44 metre form on higher ground, with no screening to the lane, is the relationship our clients would live with. Backland policy exists to stop exactly that.

- ***A two-storey frontage on a lane that has none:*** Drawing 101 gives a height of 7.44 metres to the Beeches Park elevation. First-floor windows face the lane. Our clients at 6 Station Road sit immediately north of the junction. They would take that elevation, those windows, and headlights from the new gate at close range. Section 12.3.7.6 expects backland houses generally to be single storey for this reason.

- ***A new entrance at the worst point on the lane:*** The gate would sit on double yellow lines, beside an electricity pole, with no footpath on that side of the lane, metres from Station Road. Cars have not been shown to enter and leave in a forward direction. Reversing would point toward our clients' house.

- ***Loss of the sylvan edge:*** Drawing 107 marks trees for removal. Those trees are the setting of No. 18 and of the junction. They are not surveyed and they are not protected by these proposals. There is no Arborist Report on file despite this property being located within an ACA.

- ***Open space that has not been measured for both houses***: The applicant's plans seek 60 sq.m of private open space, exclusive of parking, for each four-bedroom unit in a backland case. The residual garden of No. 18 and the usable garden of the new house, once two cars are parked, are not tabulated. The proposed private open space for the new dwelling is clearly derisory, substandard, and contrary to the Development Plan (as set out below).

- ***Construction on the lane***: There is no plan that keeps plant only on Marlborough Road through No. 18. Beeches Park and Station Road would take the build stage impacts.

These are not minor design choices. They are the means by which a four-bed house is forced onto a garden that was never a building plot, onto a lane that was never a mews street on the zoning map. Our clients consider them unacceptable. They are contrary to Objective A, PHP20, PHP22, Sections 12.3.7.6 and 12.3.7.9, ACA policy, and the Compact Settlements Guidelines as they apply to existing occupiers. The grounds are developed in Section 7.0.

No request for Further Information and re-design by way of condition

DLRCC has granted permission for the proposed development without issuing a request for further information. Instead, DLRCC has sought to redesign key elements of the scheme by condition. Transportation Planning conditions require a reduction from two car parking spaces to a maximum of one, a reduction in the width of the vehicular entrance from 3.7 metres to a maximum of 3.5 metres, and a reduction in the height of the front boundary treatment to a maximum of 1.1 metres for a minimum of 1 metre either side of the entrance. Drainage conditions require local infiltration to a soakaway (with an alternative SuDS measure to be agreed if infiltration is not feasible) and permeable surfacing of hardstanding areas.

This approach of granting permission and then redesigning the proposal through compliance conditions is contrary to the Development Management Guidelines for Planning Authorities (June 2007). Those Guidelines promote a shift from a reactive Development Control model to a pro-active Development Management approach, in which planning authorities should engage positively with proposals that help achieve plan objectives, resolve design and technical issues before a decision is made, and avoid leaving fundamental aspects of a development to be settled by post-permission compliance submissions. Compliance submissions are outside third-party review. As a result, neither the Appellants nor any other third party will have an opportunity to comment on the revised parking layout, entrance design, boundary treatment, or drainage solution that will ultimately be built. There is now no clear understanding of what form of development will be constructed on the site.
This approach is particularly odd and unusual in the present case. DLRCC's own Senior Executive Conservation Officer recommended refusal on the grounds that the development fails to comply with Policy Objective HER13 and Section 12.11.4 of the County Development Plan, and that a two-storey house to the rear would not sensitively integrate with the established built character of the Marlborough

Road Architectural Conservation Area. Rather than seek further information to address the conservation, design, amenity and technical deficiencies identified by its own officers and by third parties, or refuse permission in line with that professional advice and with previous Commission decisions on comparable sites, DLRCC has granted permission subject to conditions that leave the final design unresolved. The result is a decision that is at odds with the Development Management Guidelines, with the conservation officer's opinion, and with proper planning practice.

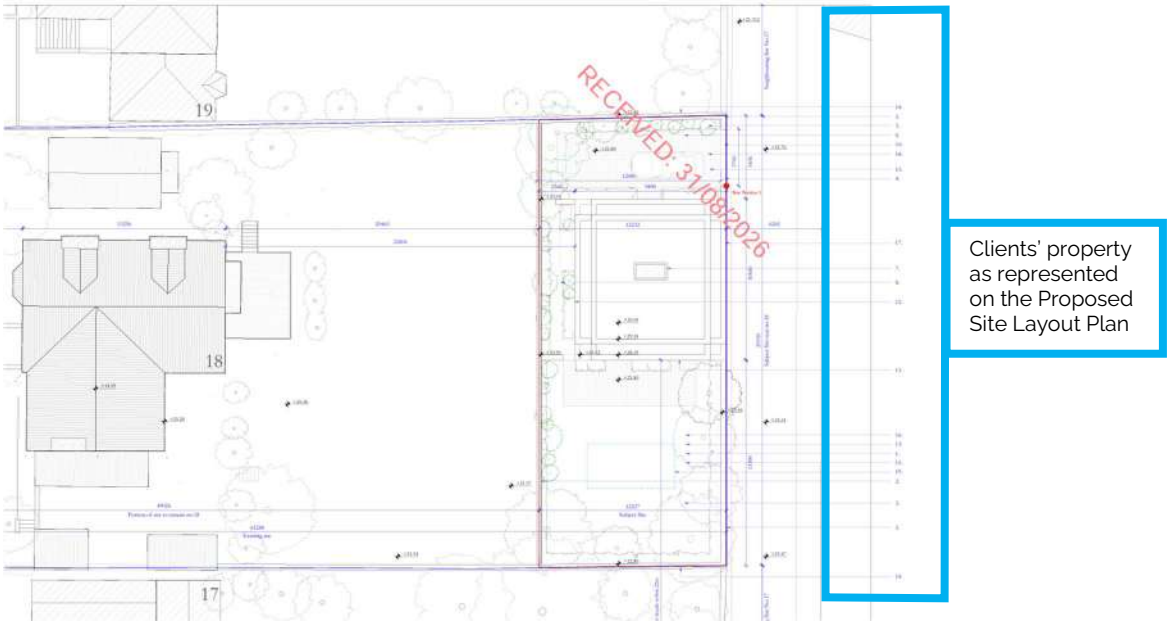


Fig. 16: Proposed site plan - house, two spaces, gate to Beeches Park

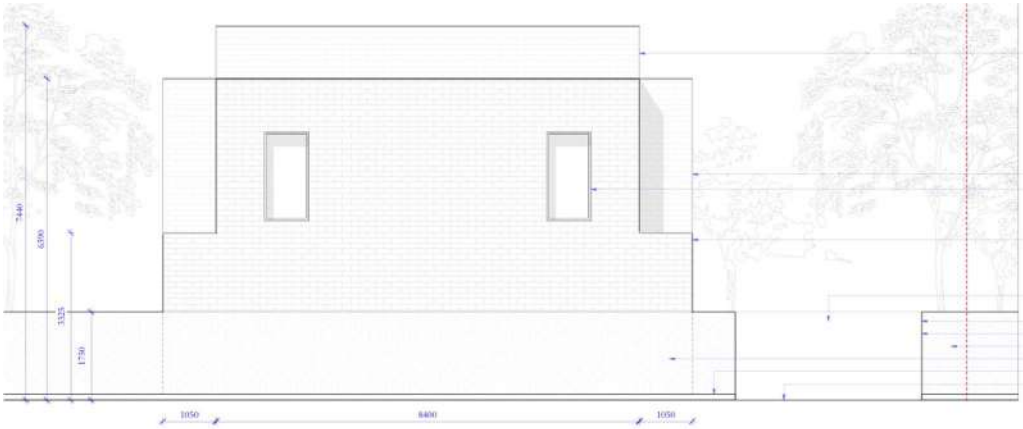


Fig. 17: Drawing 101 - 7.44 m elevation to the lane



Fig. 18: The applicant's cross section showing the close proximity of the proposed dwelling to clients' property

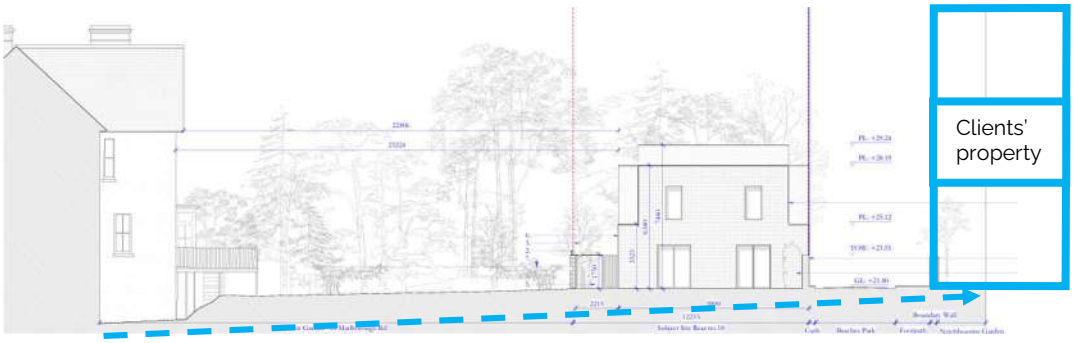


Fig. 19: Excerpt from the applicant's Proposed Section showing rising ground levels from the existing house through the applicant's proposed dwelling site and toward our clients' property (Source: DLRCC Planning file)



Fig. 20: Existing screening trees to be removed leaving no screening of No. 6 (Source: Google Earth, annotated by BPS & clients' photos)



Fig. 21: Excerpt from the applicant's floor plans showing the ground floor and first floor laneway built onto the party boundary leaving it very close to our clients' property (Source: DLRCC Planning file)

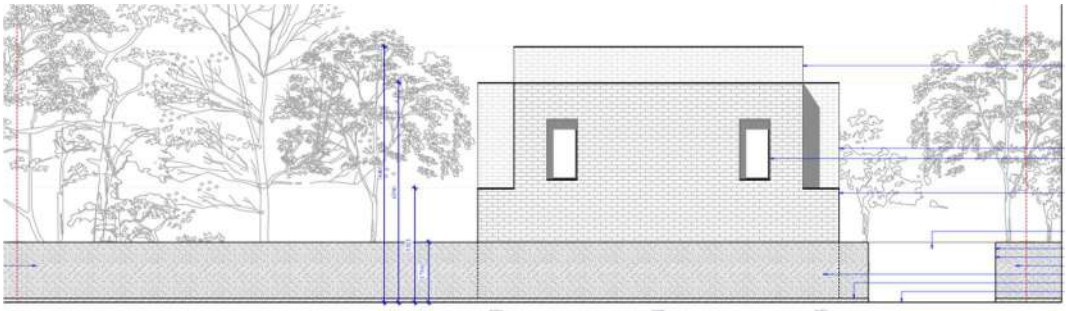


Fig. 22: The existing party wall to the laneway is proposed to be removed by the applicant to make way for the laneway elevation of the proposed two storey dwelling with first floor windows sited at the existing laneway edge (Source: Planning File drawing, as annotated by BPS)



Fig. 23: The existing party wall to the laneway is proposed to be removed by the applicant to make way for the laneway elevation of the proposed two storey dwelling with first floor windows sited at the existing laneway edge overlooking, overbearing and overshadowing clients' property (Source: Planning File drawing, as annotated by BPS)



Fig. 24: Before and after photos of No. 6's rear garden (Source: Client)



Fig. 25: Before and after photos of No. 6's rear garden (Source: Client)



Fig. 26: Existing view from clients' first floor rear window (Source: Client)

4.0 Technical/planning law concerns with this planning application

These points go to validation, the completeness of the file, and whether DLRCC could lawfully determine the application as lodged. They are separate from the planning merits. DLRCC has granted permission without issuing a request for further information. The decision and its conditions do not remedy the defects identified below. In several respects DLRCC has sought to redesign the scheme by condition. That approach is contrary to the Development Management Guidelines for Planning Authorities (June 2007), which promote resolution of design and technical issues before a decision is made. Compliance submissions are outside third-party review. The result is that neither the Appellants nor any other third party can examine the final form of the development that will be built. This is particularly unsatisfactory given the conservation officer's recommendation for refusal.

4.1 Red line boundary concerns

The red line should include every part of the land on which the development will be carried out. This scheme does not sit in an empty field. It depends on:

- cutting a new boundary through the garden of No. 18;
- leaving a residual private garden to the existing house;
- any making-good of walls, levels, drainage or services that belong to No. 18; and
- the landowner's consent from Michael Cullen, which is for the house and garden at Warriston.

If those works sit outside the red line, the application is incomplete. The Commission and DLRCC both treat a red line that omits the parent plot, while relying on it for access, drainage or subdivision, as a validation and description problem. DLRCC has not confirmed that every wall, pipe and garden split is inside the line that was advertised. The grant of permission does not resolve this.

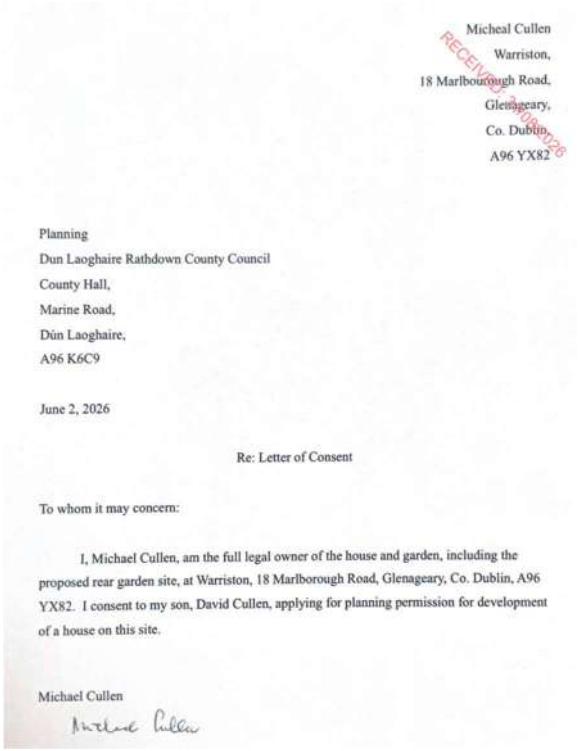
Further, works to a house in an ACA arise. No. 18 is in the Architectural Conservation Area. Altering its curtilage, its rear garden, its boundary wall to Beeches Park and the tree setting that belongs to that house is development that would materially affect the character of the ACA.

In an ACA, works that might otherwise be exempt often lose that exemption where they would materially affect character (Planning and Development Regulations 2001, Article 9, and Section 82 of the Act). Opening a vehicle gate in the lane wall, building a new subdividing wall, and removing mature trees are not internal works. They change the structure's setting. They should be in the statutory description, and they should be the subject of a conservation assessment. Neither is on this file. The conservation officer recommended refusal; the decision to grant permission does not supply the missing assessment.

Conclusion

Permission has been granted for a new house on a slice of an ACA garden, while the alteration of the existing dwelling's plot, wall and setting is treated as if it were invisible. Those works require planning permission in this ACA. They have not been properly described, outlined in red, or assessed. A grant that only "permits the new house" leaves the subdivision of No. 18 and the break in the Beeches Park wall without a conservation decision.

The landowner's consent letter proves that the applicant knows and fully accepts (even declares) that the parent house and garden are one property yet the planning-pack map outlines only the rear site in red. That inconsistency is not permitted and has not been addressed.



Micheal Cullen
Warriston,
18 Marlborough Road,
Glenageary,
Co. Dublin,
A96 YX82

Planning
Dun Laoghaire Rathdown County Council
County Hall,
Marine Road,
Dún Laoghaire,
A96 K6C9

June 2, 2026

Re: Letter of Consent

To whom it may concern:

I, Michael Cullen, am the full legal owner of the house and garden, including the proposed rear garden site, at Warriston, 18 Marlborough Road, Glenageary, Co. Dublin, A96 YX82. I consent to my son, David Cullen, applying for planning permission for development of a house on this site.

Michael Cullen

Fig. 27: Owner's consent for this planning application – the letter confirms ownership of the entire property including the subject site set within a standalone red line boundary

4.2 Blue line boundary concerns

Under the Planning and Development Regulations 2001, as amended, adjoining land that is in the same ownership as the application site should be edged blue on the site location map, even when it is not in the red line.

Article 22 requires the location map to show:

- The application site in red; and
- any adjoining land in the ownership or control of the applicant in blue.

Warriston, No. 18 Marlborough Road, and the rest of its garden adjoin the red-line site. Michael Cullen's consent letter states that he owns the house and the garden, including the rear plot, and that he consents to David Cullen applying. That is one holding. The residual house and garden should therefore appear in blue. Public notices have been erected on both roads adjoining the whole property.

The applicant maps only show a red box on the back garden and no blue line around No. 18; therefore, the application does not meet the map requirement in Article 22. DLRCC cannot see, on the statutory map, that the scheme depends on subdividing an ACA house plot. Works to the parent garden (new party wall, residual open space, trees, services) sit in a vacuum. The decision to grant permission does not correct this.

Absence of the blue line is a further reason the file understates the relationship with No. 18 and with the ACA.

4.3 Incomplete development description and defective site notice

The notices describe a new house, a new entrance, parking, landscaping and SuDS in the backlands of No. 18, in an ACA. They do not describe:

- subdivision of an existing dwelling plot in an ACA;
- construction of a new boundary that cuts No. 18 from its rear garden;
- demolition or alteration of the Beeches Park wall;
- ·removal of mature trees; and· works next to a public electricity pole on a public lane.

The site notice also records an "Architectural Conversation Area". That is not the statutory designation. A notice that misstates the heritage status of the land and omits the works that affect the existing house is not a complete Article 18 description. Third parties reading Beeches Park cannot see that an ACA garden is being split. These defects remain unaddressed.

4.4 Works to a structure and its setting in an ACA

No. 18 and its garden lie in the ACA. Opening a vehicle gate in the lane wall, building a subdividing wall, and removing trees are works that can materially affect the character of the ACA. In an ACA, development that would otherwise be exempt is often de-exempted where it would materially affect that character (Section 82 of the Act and Article 9 of the Regulations). Those works need permission and a conservation assessment. There is no conservation report on the file. The Design Statement's assertion of "no effect" is not an assessment. DLRCC's own Senior Executive Conservation Officer recommended refusal on precisely these grounds (failure to comply with HER13 and Section 12.11.4). The grant of permission does not supply the missing assessment or reverse that professional advice.

4.5 Beeches Park wall – DLRCC ownership, no consent, & a notice that conceals the works

The existing boundary to Beeches Park is a continuous wall about 1.2 metres high. Our clients' understanding, and the pattern of this lane, is that the wall stands on or astride the boundary with the public road, so that DLRCC owns or controls at least half of it as roads authority. The application proposes to remove that wall for a new vehicular opening and to rebuild or recast the frontage as part of the house and parking.

No letter of consent from DLRCC as owner of the wall or as roads authority is on the file. Michael Cullen's consent covers the garden of No. 18. It does not cover fabric that belongs to the public road. Works to a structure that is not wholly in the applicant's ownership require the owner's consent under the Planning and Development Regulations. Without that consent the application is incomplete. The decision to grant permission does not resolve the ownership or consent issue.

Those works should have been on the site notice and newspaper notice in plain terms: demolition or alteration of the Beeches Park boundary wall, including any part of the wall that is public. The notices speak only of a "new vehicular entrance in the existing boundary wall." A reader on the lane cannot see that historic enclosure is to be taken down, or that Council fabric is involved.

In an Architectural Conservation Area this is not a standard suburban dropped kerb. The unbroken wall, the planted garden behind it, and the absence of house openings on Marlborough Road rear gardens are the character of the lane. Conservation practice is to keep boundary walls, repair them in matching materials, and open them only where the Plan has already accepted a mews frontage. Beeches Park is not indicated as such a lane on the zoning map. Removing the wall to insert a two-storey house and two parking spaces is the opposite of that practice. It would be the first break in the garden wall line. It would set the pattern the ACA policies exist to prevent.

The wall also does a practical job. It holds the edge of a carriageway that already has double yellow lines and no footpath on that side of the lane. Taking it down next to an electricity pole, metres from Station Road, is a roads matter as well as a heritage matter. Planning permission, even if granted, does not replace DLRCC's consent as owner or as roads authority. Transportation Planning conditions reduce the entrance width to a maximum of 3.5 metres and lower the boundary treatment for visibility, but they do not address ownership, consent, or the fundamental character impact of removing the wall. Compliance with those conditions will be outside third-party review.

The Beeches Park wall is a land take, not a dropped kerb. This is not an entrance punched through a private garden wall. The drawings show the front elevation of the new house taking the place of the boundary wall, built to the lane edge. Half of that wall is understood to be DLRCC's. The applicant would occupy that line, put habitable rooms and windows on it, and leave the face of a two-storey house hard against double yellow lines, with no set-back, no screening and no footpath on that side of the lane.

That is a land take from the public road. Michael Cullen's letter does not authorise it. No Council consent as owner of the wall is on the file. The public notices do not say that the party wall to Beeches Park is to be replaced by a house elevation. Third parties reading "new vehicular entrance in the existing boundary wall" are not told that the wall itself is to go and that the building will stand on the lane. In an ACA this is contrary to ordinary conservation practice. Boundary walls are part of the plot pattern. They are retained and repaired. They are not demolished so that a new façade can sit on the public boundary. No other Marlborough Road garden in this ACA presents a two-storey house and first-floor windows to Beeches Park. This scheme would be the first. It would turn a planted, walled backland into a street elevation on a carriageway that cannot take two cars.

It is also unsafe. Windows and a vehicular gate (also for pedestrian use) would open onto a lane with yellow lines and no footpath on that side of the lane. Occupiers and visitors would step straight into the

path of vehicles. Cars using the spaces would manoeuvre against the same elevation. Pedestrians walking to Station Road would pass under the glass of the first floor windows almost at touching distance. DMURS and the Development Plan do not treat that as an acceptable public-realm relationship. The conditions do not resolve this.

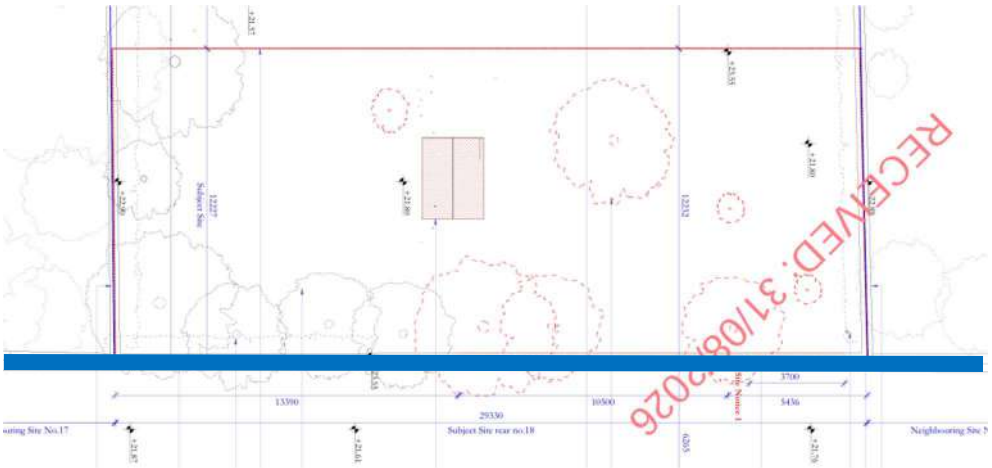


Fig. 28: Existing boundary wall to the laneway as shown on the existing site layout plan (Source: Planning File drawing, as annotated by BPS)

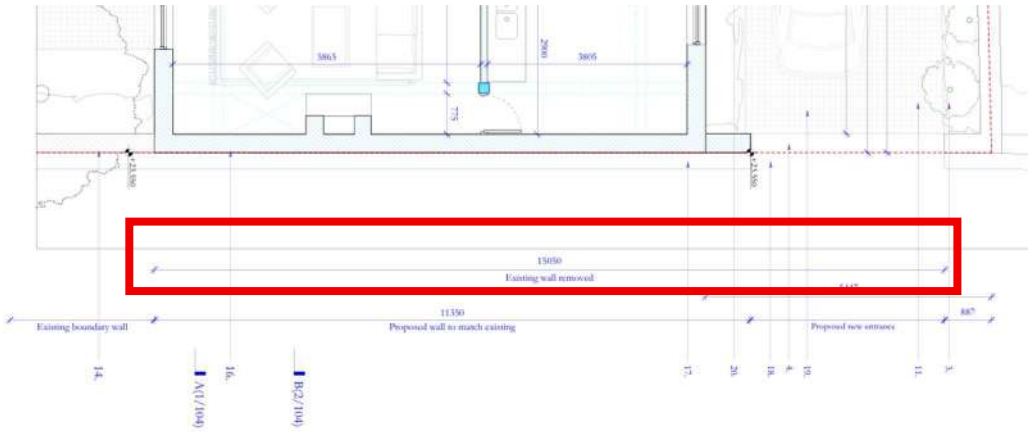


Fig. 29: Existing party wall to the laneway proposed to be removed by the applicant (Source: Planning File drawing, as annotated by BPS)



Fig. 30: Existing party wall to the laneway proposed to be removed by the applicant to allow the dwelling's laneway elevation to be built on it (Source: Planning File drawing, as annotated by BPS)

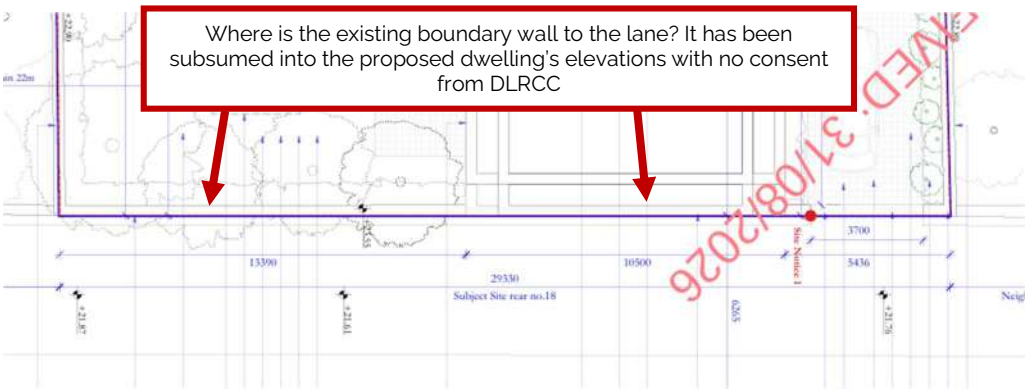


Fig. 31: No mention on the Proposed Site Layout Plan of now the existing party wall to the laneway is proposed to be removed by the applicant (Source: Planning File drawing, as annotated by BPS)

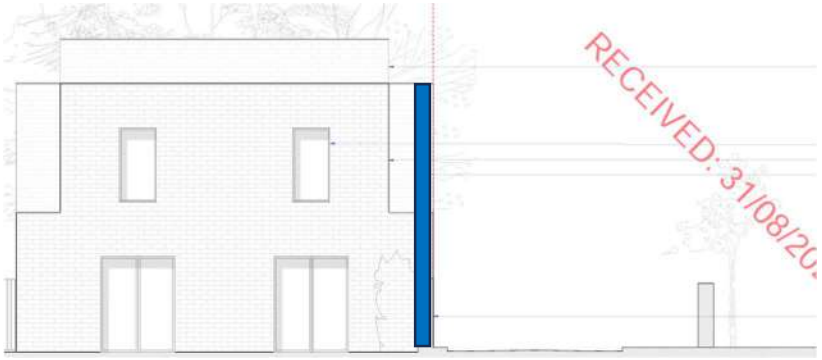


Fig. 32: No mention on the Proposed Site Layout Plan of now the existing party wall to the laneway is proposed to be removed by the applicant to make way for the laneway elevation of the proposed two storey dwelling (Source: Planning File drawing, as annotated by BPS)

4.6 Technical roads concerns

4.6.1 New access onto a public lane - roads authority

Beeches Park is a public road. The scheme creates a new vehicular entrance at a pinch point, on double yellow lines, next to an electricity pole, close to the Station Road junction. Planning permission for the opening does not replace any consent required from DLRCC as roads authority for works in or to the public road, footpath or lighting column. No such consent is evidenced. No swept-path, visibility-splay or Stage 1 Road Safety Audit is on the file. Transportation Planning conditions address entrance width and boundary height for visibility but do not require a Road Safety Audit, swept-path analysis or roads authority consent. These remain unresolved.

4.6.2 Visibility splays and safe entry and exit

A new vehicular entrance onto a public road must be safe in use and during construction. The Development Plan (Chapter 5 / Chapter 12 access standards), DMURS and the Design Manual for Roads and Bridges visibility standards require sightlines appropriate to the speed and width of the street. Beeches Park is a narrow lane with double yellow lines, no two-way passing, an electricity pole immediately south of the proposed opening, and a junction with Station Road a short distance to the north. The file does not contain:

- measured visibility splays in both directions from the driver's eye position. ·
- a speed or forward-visibility assessment on the lane. ·
- a swept-path for a private car entering and leaving. ·
- a swept-path for a fire tender or refuse vehicle, which Section 12.3.7.6 requires the lane to accommodate (3.7 m width, 3.1 m at pinch points). ·
- any statement on construction vehicles using the same opening.

Without those drawings DLRCC cannot find that the entrance will not endanger pedestrians or other vehicles. PHP20 and the Plan's road-safety objectives are not met on the documents submitted. The conditions reduce the entrance to 3.5 m and lower the boundary treatment, but they do not require the missing drawings. Compliance will be outside third-party review.

4.6.3 Cars cannot be shown to enter and leave in a forward direction

Two spaces sit behind a new gate on a plot about 12 metres wide. On a lane this tight, a car that must reverse in or out will block Beeches Park and will reverse toward the Station Road junction and toward 6 Station Road.

The application does not include a turning-head inside the site or a swept-path that shows arrival and departure in a forward gear. A turntable is not proposed. Reversing onto double yellow lines, beside an electricity pole, with no footpath on that side of the lane, is a traffic hazard. It is also an amenity impact on our clients. Transportation Planning noted the tandem arrangement and the risk of overhang onto the public road, and conditioned a reduction to one space. That condition redesigns the parking but does not demonstrate forward-in, forward-out. The final arrangement will be settled by compliance, outside third-party review. DLRCC should not have treated the arrangement as safe without the necessary demonstration.

4.6.4 Pedestrian safety - yellow lines and no footpath on the site side of the lane

Beeches Park functions as a shared surface. There is no separate footpath of usable width along the application frontage. Double yellow lines are there because the carriageway cannot take two vehicles. Pedestrians, including children and people walking to Station Road and the DART, use the same narrow space as cars. There is a footpath on the opposite side of the laneway, but this is often driven on when two vehicles are forced to pass one another in opposite directions.

A new generator of turning movements at this point, with restricted visibility and reversing, is a pedestrian-safety issue under DMURS and under the Development Plan's requirement that new access does not endanger public safety. The Design Statement does not address pedestrians on the lane at all. The conditions do not require an assessment of pedestrian safety. This concern remains unaddressed.

4.6.5 Construction-phase access is not designed

Even if an operational gate were acceptable, construction is a separate roads test. Deliveries, a skip, a mini-digger and worker parking cannot sit on a lane with yellow lines and no passing. The file contains no Construction Management Plan, no construction swept-path, and no commitment that all construction traffic will use Marlborough Road through No. 18.

Section 12.3.7.6 and ordinary residential amenity policy require that a backland house can be built without making the lane unsafe. That has not been shown. Transportation Planning conditions require measures to prevent mud and debris on the public road and to avoid conflict with pedestrian/vehicular movements, but they do not require a Construction Management Plan or a commitment to access only via Marlborough Road. The construction impact remains unresolved and will be settled outside third-party review.

4.7 Missing assessments the location requires

For a two-storey house on a 0.036 ha site, in an ACA, facing a narrow lane and 6 Station Road, the file does not contain:

- an ACA / conservation appraisal. ·
- a tree survey with categories and a method statement for removals shown on drawing 107. ·
- a BRE 209 daylight, sunlight and overshadowing study of 6 Station Road and of houses on Beeches Park. ·
- an overlooking / privacy study from first-floor windows to the lane. ·
- a Road Safety Audit or measured visibility splays at the new gate. ·
- a Construction Management Plan that keeps plant off Beeches Park and Station Road. ·
- AA screening, even if the conclusion is no likely significant effects.

Those are not luxuries. They are the material DLRCC needs before it can find no injury to amenity or to the ACA. None of these assessments was requested by further information. The conservation officer's recommendation for refusal underscores the absence of a conservation appraisal. The decision to grant permission leaves these gaps unfilled. Any residual information submitted by way of compliance will be outside third-party review.

4.8 Water and Drainage issues

4.8.1 No evidence of an Uisce Éireann connection enquiry

A new dwelling needs a new or altered connection to the public water and wastewater networks. Uisce Éireann is the water authority. Confirmation of Feasibility, or at least a recorded pre-connection enquiry, is the normal way to show that a connection is possible without an unassessed upgrade.

No Uisce Éireann letter is on this file. The O'Reilly drainage and flood-risk report is an engineer's design for the plot. It is not a utility confirmation. Chapter 10 of the Development Plan and DLRCC's water-services objectives require new housing to connect in a way that does not overload the network. Residents of Beeches Park already describe a problematic sewer. Without a feasibility confirmation DLRCC cannot know whether a new four-bedroom house will require a network upgrade, a wayleave through No. 18, or works in the public lane.

Drainage Planning has conditioned local infiltration to a soakaway (with an alternative SuDS measure to be agreed if infiltration is not feasible) and permeable surfacing. Those conditions do not require a Confirmation of Feasibility from Uisce Éireann. A condition that the applicant "agree a connection later" leaves a capacity question off the public file and outside third-party review.

4.8.2 Drainage report does not close out the lane sewer

The O'Reilly report (10 August 2026, ref. 26/015 PR1a) addresses the new house. Our clients and their neighbours are aware of an existing problematic sewer. The report should show connection points, capacity, residual flood risk with climate change, and that the new load will not surcharge Beeches Park or Station Road (where the infrastructure is old). If that demonstration is not in the report, DLRCC water-services policy is not addressed by this planning application. The drainage conditions do not require that demonstration.

4.8.3 Attenuation and SuDS are not shown to the Development Plan standard

Chapter 10 and DLRCC's SuDS requirements ask for site-specific attenuation, a treatment train, climate-change allowance, and a maintenance plan. The O'Reilly report and drawing 106 should be checked against that list. Unless the report contains:

- impermeable area and runoff calculations for the house, parking and paving,
- attenuation volume and discharge rate to greenfield or to the approved limit,
- climate-change uplift,
- where water goes if the system surcharges, and
- who maintains the SuDS,

then water policy is not discharged. Permeable paving on a drawing is not a full SuDS design. Our clients' concern is the existing sewer. Attenuation that still connects a new four-bed house into a stressed combined system, without Uisce Éireann confirmation, leaves residual flood and surcharge risk on Beeches Park and Station Road. The conditions require a soakaway designed to BRE Digest 365 with no overflow, and an alternative if infiltration is not feasible, but they do not require the full suite of calculations or a Confirmation of Feasibility. The final design will be settled by compliance, outside third-party review.

4.9 Private open space for both dwellings is not demonstrated

Section 12.3.7.6 requires the existing house and the new four-bedroom house each to have at least 60 sq.m of private open space, exclusive of parking. The drawings do not tabulate the residual garden of No. 18 after subdivision, nor the usable garden of the new house once cars and the building footprint are removed. Without those figures the backland standard cannot be signed off. The decision to grant permission, even with the conditioned reduction to one parking space, does not supply the missing tabulation or demonstrate compliance. This standard remains unmet.

5.0 Zoning & designations

In the Dún Laoghaire-Rathdown County Development Plan 2022–2028 the site is zoned Objective A — To protect and/or improve residential amenity. Residential development is permitted in principle. That principle is not a permission to injure the amenity the zoning exists to protect. 6 Station Road is in the same zone.

The site lies in an Architectural Conservation Area (the Marlborough Road / Glenageary ACA as identified on the Plan maps). ACA designation requires development to preserve or enhance the

character of the area, including plot pattern, gardens, trees and boundary walls. There is no conservation assessment of this scheme.

This is not a lane on which mews development is permitted in principle. PHP22 and Section 12.3.7.9 apply to suitable historic stable lanes where that suitability is indicated. Beeches Park is not shown on the zoning map as such a lane. No house has been built in the rear garden of a Marlborough Road property in this ACA. The correct Development Plan tests are therefore backland development (Section 12.3.7.6) and protection of existing amenity (PHP20), read with the ACA policies and the Compact Settlements Guidelines.

No. 18 Marlborough Road is an existing house in the ACA whose garden would be subdivided. That house and its setting should have been architectural conservation impact assessed. They have not.



Fig. 33: The 'A' – 'Residential' zoning of the site and of No. 6 Station Road

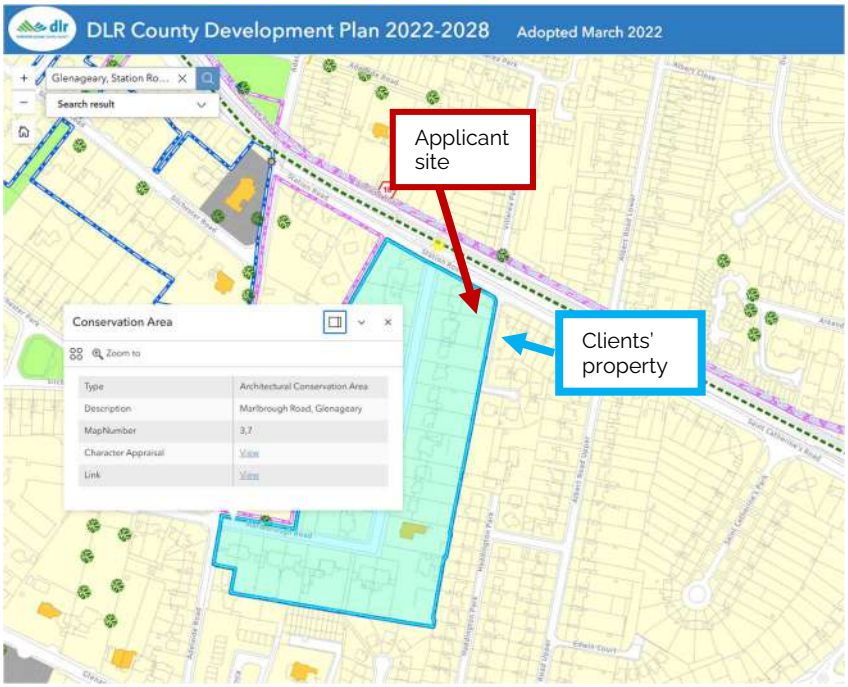


Fig. 34: The location of the applicant's site within the Marlborough Road, Glenageary ACA. The Marlborough Road Architectural Conservation Area (ACA) in Glenageary, Dún Laoghaire was officially adopted by DLRCC on March 10, 2022, as part of the Dún Laoghaire–Rathdown County Development Plan 2022–2028.

6.0 Planning history

6.1 The application site

BPS has found no planning history on the DLRCC search for a house in the rear garden of No. 18 Marlborough Road. The land is a private garden. It is not a vacant plot, and it is not a mapped mews site under the Development Plan. The only structure shown for removal is a greenhouse which forms part of a historic rear garden serving a dwelling located in an ACA. DLRCC has nonetheless granted permission for a two-storey house on this site without issuing a request for further information, thereby ignoring the adverse planning history set out below and seeking to create a new precedent that is inconsistent with previous decisions of DLRCC and of An Coimisiún Pleanála

6.2 Pattern on Beeches Park and Marlborough Road

DLRCC's decision to grant permission for the current scheme ignores this established pattern. There are still no two-storey houses in the rear gardens of Marlborough Road properties in this ACA that present a public elevation and a new gate to Beeches Park. The grant of permission for a 7.44 m house built to the lane wall would be the first such development and would set the precedent that previous decisions have consistently sought to avoid.

6.2.1 No. 16 obtained permission in 2014 for a single storey dwelling

Under planning application reg. ref. D14A/0779 the owners of No. 16 Marlborough Road, Glenageary, Co. Dublin applied for permission for: "1. A single storey house of 156.5m2 and 2. Access from Beeches Park and 3. Ancillary site works to the rear. This is a Conservation Area." DLRCC refused planning permission for the following reasons:

1. *The proposed development, by reason of its scale, layout and proximity to the directly adjoining site boundaries would result in overdevelopment of the subject site and would, therefore, unduly impact on the residential amenity of the adjoining dwellings and if permitted would set an undesirable precedent for similar development in the area. The proposed development would, therefore, seriously injure the amenities and/or depreciate the value of property in the vicinity and would, thereby, be contrary to the proper planning and sustainable development of the area.*

2. *It is considered that the proposed vehicular access at 5.1 metres wide and the width and depth of the proposed off-street car parking spaces would not be in accordance with Section 16.10.9 of the 2010-2016 Dún Laoghaire-Rathdown County Development Plan and would therefore endanger public safety by reason of a traffic and pedestrian hazard. The proposed vehicular access and parking arrangement would, therefore, be contrary to the proper planning and sustainable development in the area.*

This decision was appealed to the Commission under appeal reg. ref. PL06D.244544. Permission was granted for the reasons set out in Fig. 38. This decision pre-dated the Marlborough Road, Glenageary ACA.

That is the ceiling this lane has been given by the Commission: a low house, not a 7.44 metre elevation on the party wall. This permission granted a bungalow not a two-storey house. DLRCC's decision to grant permission for the current two-storey scheme ignores that ceiling and seeks to create a new, higher precedent on the same lane.

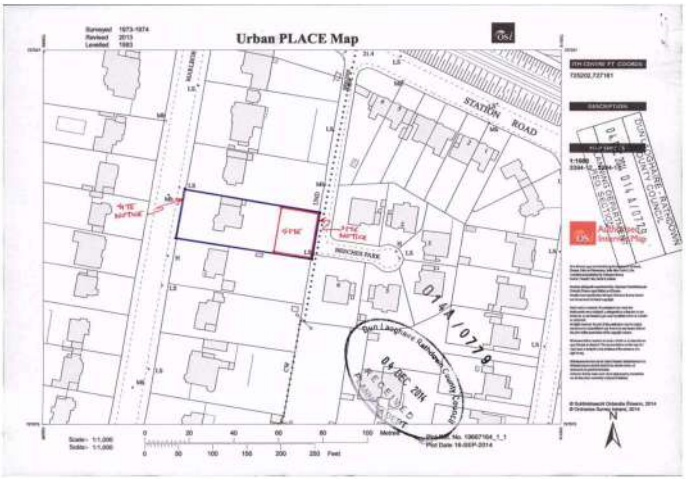


Fig. 35: Plans submitted under planning application reg. refs. D14A/0779 & PL06D.244544

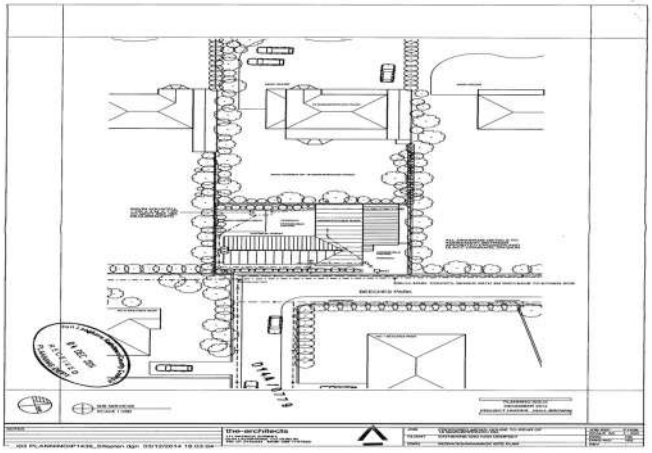


Fig. 36: Plans submitted under planning application reg. refs. D14A/0779 & PL06D.244544

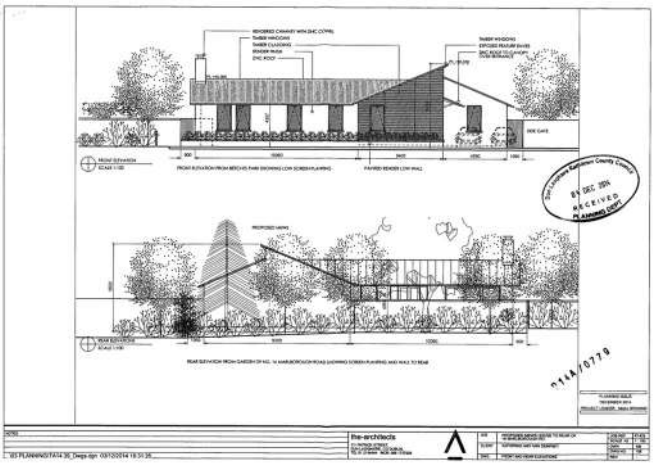


Fig. 37: Plans submitted under planning application reg. refs. D14A/0779 & PL06D.244544

DECISION

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

PL 06D.244544 **An Bord Pleanála** **Page 1 of 4**

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 the landuse zoning of the site for residential development in the Dún Laoghaire-Rathdown County Development Plan 2010-2016, to the pattern of development in the area, to the proximity to public transport facilities, to the relatively modest scale of the proposed house, to the access arrangements onto a cul-de-sac with limited traffic, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Fig. 38: Excerpt from the Commission's Order issued under appeal reg. ref. D14A/0779

6.3 Refusal at 13 Marlborough Road - D21A/1057 / ABP-312909-22 (Crevamor)

Permission was sought for a part two-storey, three-bedroom house of 188 sq.m in the rear garden of No. 13 Marlborough Road, in the (then candidate) ACA, with works to walls and trees.

DLRCC refused. The reason was as follows:

1. *The front portion of the subject site at 13 Marlborough Road is located within the Marlborough Road candidate Architectural Conservation Area (cACA) in the Dun Laoghaire Rathdown County Development Plan, 2016-2022. The proposed development to the rear of the site, by reason of its size, and siting in such close proximity to the site boundaries and the proposed removal of trees, particularly along the site boundaries and roadside frontage, would negatively impact on the visual amenity of the area and the character of the streetscape. The proposed development would not, therefore, preserve or enhance the established character of the streetscape, would significantly detract from the architectural character and significance of the Marlborough Road candidate ACA, and would thereby be contrary to Policy AR17: Development within a cACA of the Dun Laoghaire Rathdown County Development Plan, 2016-2022. Furthermore, the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity, by reason of loss of existing planting, and separation distances between existing and proposed buildings and heights, thereby significantly detracting from the streetscape and the character of the area. The proposed development would not, therefore, be in accordance Section 8.2.3.4 - Additional Accommodation in Existing Built-up Areas, (v) Backland Development and (vii) Infill, of the current County Development Plan 2016-2022. In addition, the proposed development would set an undesirable precedent for similar type development in the area. The proposed development would, therefore, be contrary to the provisions of Dún Laoghaire Rathdown County Development Plan 2016-2022, and to the proper planning and sustainable of the area.*

The DLRCC decision was appealed to the Commission under appeal reg. ref. PL06D.312909 which refused planning permission on 11/5/2023 for the reason set out in Fig. 41. The Planning Inspector noted that the house permitted at No. 16 was single storey only and accessed from Beeches Park, and that the No. 13 scheme was not the same. The Planning Inspector noted the following points which are relevant to DLRCC's assessment of the current planning application:

- ***On the only Beeches Park permission - single storey:*** "The dwelling permitted at 16 Marlborough Road is single storey only and is accessed from Beeches Park to the rear. This is unlike the proposal at No 13 Marlborough Road." (p. 13). It is therefore unclear why the applicant has lodged the current planning application for a 7.44 m tall house on the same lane.

- DLRCC refusal reason (quoted in full in the report, pp. 5–6):

  The development to the rear, "by reason of its size, and siting in such close proximity to the site boundaries and the proposed removal of the trees … would have a negative impact on the visual amenity of the area and the character of the streetscape."

  It would "significantly detract from the architectural character and significance of the Marlborough Road candidate ACA."

  It would "seriously injure the amenities and depreciate the value of property in the vicinity, by reason of loss of existing planting and separation distances between existing and proposed buildings and heights."

  It would not accord with backland and infill standards "and would set an undesirable precedent for similar type of development in the area."

- ***ACA is stricter than ordinary infill:***

  "The subject site is located within a designated ACA (Marlborough Road). The guidance for development in ACAs is more onerous than general infill sites." (p. 14)

  "The entire site is now located within a designated ACA." (p. 15) - same is true of No. 18.

- ***Plot character and gardens***

  "The established character of those plots along Marlborough Lane are one of large, detached dwellings within generous plots with mature trees and hedging. The appraisal for the ACA … highlights these characteristics as features of interest and I have concerns that the removal of the entire rear garden of the existing dwelling … which requires the substantial removal of mature trees would have a negative impact on the special characteristics of the ACA" (7.2.8).

- ***National ACA guidance on infilling gardens:***

  "Having regard to the national guidance for development in ACA, which restricts the infilling of gardens in ACAs … I do not consider the proposal represents an appropriate form of development in a designated ACA" (7.2.12).

- ***Trees and access:***

  "The extensive tree removal necessary to accommodate the relocation of the entrance and provide access to the rear for the new dwelling … will significantly alter the character and streetscape." (7.2.9).

- ***Design quality in the ACA:*** "The design and layout of the proposed dwelling is not, in my opinion, of a high architectural quality. … I do not consider the proposed dwelling contains any features of interest which reflect the location within a designated ACA" (7.2.10).

- ***Recommended Board reason (p. 18):***

  "Having regard to the existing character and the prevailing pattern of development, the site location within an Architectural Conservation Area, it is considered that the proposed development, by reason of its overall design and layout, and relocation of the existing entrance, which requires the removal of a significant number of trees on the site and in the public realm, would be out of scale with its surroundings, would seriously detract from the architectural character and setting along Marlborough Road and of the streetscape generally. The proposed development would, therefore, materially, and adversely affect the character of the Marlborough Road Architectural Conservation Area, would be contrary to Policy Objective HER13 … and would be contrary to the proper planning and sustainable development of the area."

- ***No. 18 is the next garden but one pattern:*** The Inspector treated Beeches Park as suitable only for the single-storey house at No. 16. The current scheme is taller than the refused house at No. 13 (7.44 m against 7.02 m), sits on the public wall, and has no tree report. HER13 still applies. The "undesirable precedent" sentence in DLRCC's 2021 reason is the sentence you want copied into your refusal request.

The present application is closer in all respects to the refused No. 13 scheme than to the granted No. 16 scheme: two storeys, a new opening on Beeches Park, tree loss, and no conservation assessment. If anything it is tighter – 0.036 ha, built to the lane wall, next to Station Road. DLRCC's decision to grant permission ignores the Commission's decision on ABP-312909-22, the Inspector's findings on plot character, tree removal, ACA tests and undesirable precedent, and DLRCC's own previous refusal. The conservation officer's recommendation for refusal on HER13 and Section 12.11.4 grounds further underscores the inconsistency. The grant seeks to reverse the established position and to create a precedent that previous decisions of DLRCC and the Commission have rejected.

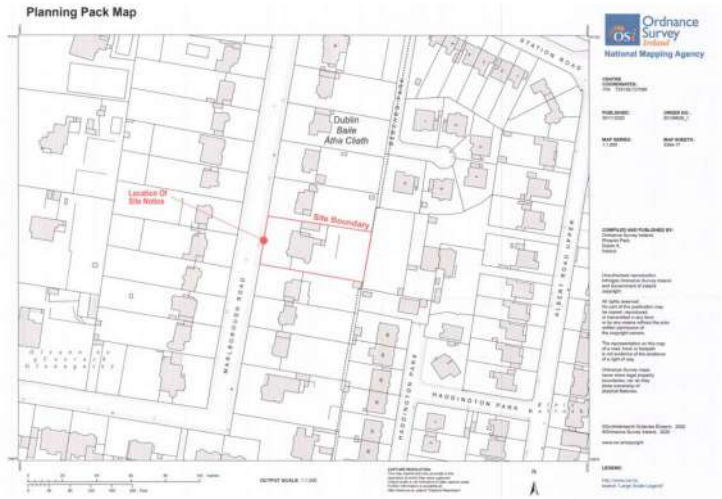


Fig. 39: No. 13 Marlborough Road - refused two-storey backland (D21A/1057 / ABP-312909-22)



Fig. 40A: No. 13 Marlborough Road - refused two-storey backland (D21A/1057 / ABP-312909-22)

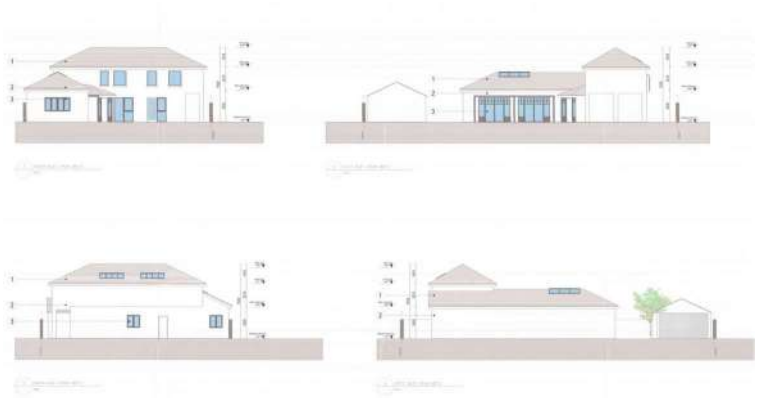


Fig. 40B: No. 13 Marlborough Road - refused two-storey backland (D21A/1057 / ABP-312909-22

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 existing character and the prevailing pattern of development in the area, and the site location within an Architectural Conservation Area, it is considered that the proposed development, by reason of its overall design and layout, and relocation of the existing entrance, noting the requirement to remove a significant number of trees on the site and in the public realm to facilitate the proposed development, would be out of scale with its surroundings, would seriously detract from the architectural character and setting along Marlborough Road and of the streetscape generally. The proposed development would, therefore, materially and adversely affect the character of the Marlborough Road Architectural Conservation Area, would be contrary to Policy Objective HER13 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 in this regard and would be contrary to the proper planning and sustainable development of the area.

Patricia Calleary

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

Fig. 41: No. 13 Marlborough Road - refused two-storey backland (D21A/1057 / ABP-312909-22)

6.4 The applicant's Design Statement's claimed precedents do not exist

The Design Statement (section 2.6) says DLRCC and the Commission have already accepted houses in Marlborough Road rear gardens with access from Beeches Park, and that two- and three-storey backland houses are "clearly established." That is not an accurate account of the file on this road.

The cases the applicant cites:

- ***D14A/0779 / PL06D.244544 - 16 Marlborough Road (see analysis above)***

  A single-storey house (ridge about 4.36 m), access from Beeches Park. The Commission granted it in 2015 **because it was single storey** and would not overlook. Inspector Mannion recorded that Beeches Park is characterised by single-storey development. The house was never built. A garden building was later retained under D25A/0970/WEB. A permission that was not implemented, for a bungalow, is not a precedent for a 7.44 m house on the party wall.

- ***D07A/0372 - 16 and 17 Marlborough Road***

  Three single-storey courtyard houses, access from Beeches Park. Again, **not two storeys**. That permission is almost twenty years old and has not been built out as three houses on the lane.

- ***Silchester Road grants (D13A/0427, D08A/1257, D13A/0099, D13A/0563, D23A/0531)***

  Different street, different plot pattern, not Beeches Park. Several pre-date the current Plan and the designation of the Marlborough Road ACA over the whole of these gardens. They do not decide this application.

- ***D18A/0912 - Green Gates, rear of 1 Marlborough Road***

  A different end of Marlborough Road, not this lane, and not a house built onto the public wall of Beeches Park at the Station Road junction. It is sited behind a stone wall and is set within a wholly different context.

The cases the applicant omits are those which undermine the proposal:

- ***D21A/1057 / ABP-312909-22 - 13 Marlborough Road (see analysis above)***

  DLRCC refused a part two-storey house of 7.02 m in a rear garden in this ACA. The Commission Inspector recommended refusal. DLRCC's reason was size, siting close to boundaries, tree loss, injury to the ACA, injury to amenity, conflict with backland and infill standards, and undesirable precedent. The Inspector said the house at No. 16 is "single storey only and is accessed from Beeches Park to the rear. This is unlike the proposal at No 13." She also said ACA guidance is "more onerous than general infill sites" and that national ACA guidance "restricts the infilling of gardens."

  The current house is taller than the house refused at No. 13 (7.44 m against 7.02 m), on a smaller site (0.036 ha against 0.1765 ha at No. 13), built to the lane wall, with trees marked for removal and no tree report. Omitting that decision from section 2.6 is not an oversight DLRCC can ignore

  Claims in the Design Statement that do not survive this planning decision:

  - The Statement says the ACA appraisal does not list rear gardens or garden walls, so the house can have "no effect" on the ACA. Inspector Hamilton found the opposite: generous plots, mature trees and hedging are the special character. HER13 still applies to the whole of No. 18.

  - The Statement says the house is sited away from neighbours and side boundaries. The Beeches Park elevation replaces the party wall and sits on the lane, on or over DLRCC's half of that wall, as close as the plot allows to Station Road and to 6 Station Road.

  - The Statement offers a shadow study of Nos. 17 and 19 Marlborough Road. It does not assess 6 Station Road. It is not a BRE 209 neighbour pack.

  - The Statement gives 199 sq.m of garden to the new house and 1,070 sq.m left to Warriston, with a 20 m gap to the rear of No. 18. Section 12.3.7.6 still looks for 22 m where first-floor habitable windows face the existing house, and for a single-storey form to avoid overlooking. A 20 m figure and a two-storey lane elevation do not meet that test.

Precedent on this lane is a single-storey house that was never built, and a 2007 grant for single-storey houses. Precedent on this road in this ACA is a refusal of a two-storey backland house at No. 13, affirmed

in the Inspector's recommendation to the Commission. Silchester Road and Green Gates do not rewrite HER13 or Section 12.3.7.6 for Beeches Park.

The Design Statement's precedent section is selective. DLRCC should have preferred its own previous decision at No. 13 and the Commission's decision on ABP-312909-22. Instead, DLRCC has granted permission for a scheme that is taller, tighter and more prominent than the refused house at No. 13, thereby ignoring the adverse history and attempting to establish a new precedent for two-storey garden infill on Beeches Park.

6.5 Other DLRCC and Commission refusals of two-storey backland / lane housing

The same logic as issued by DLRCC and the Commission as regards No. 13 Marlborough ROad's refused planning application and appeal has been applied elsewhere under Section 12.3.7.6:

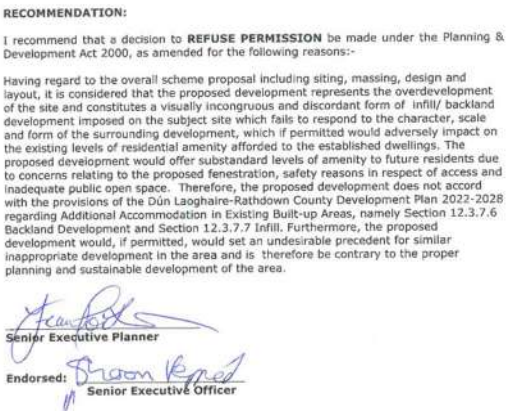
- ***Reg. refs. D21A/0941 & ABP-312530:*** refusal where a backland house did not meet the Plan's backland standards and would set an undesirable precedent at 76, Patrick Street, Dun Laoghaire, Co Dublin.

- ***D22A/0638 / ABP-315065:*** refusal over proximity to boundaries, massing and design contrary to Sections 12.3.7.6 and 12.3.7.7, undesirable precedent at "Southwinds", Ulverton Road, Dalkey, Co. Dublin.

- ***Reg. refs. D25A/0361/WEB & ACP-323158-25 (rear of 16 St Fintan's Villas):*** DLRCC refused a two-storey mews terrace for overdevelopment, injury to amenity, character and traffic safety on a constrained lane. This was then granted by the Commission on appeal.

- ***D18A/0298 (Castle Mews / Albany Avenue):*** two two-storey houses, new entrances, loss of boundary wall: refused for overbearing, overlooking, inadequate open space and harm to ACA / streetscape. The wall point is the same issue as Beeches Park.

The same logic has been applied elsewhere. DLRCC's decision to grant permission for the current scheme is inconsistent with that pattern of refusals. It seeks to create a precedent for two-storey backland development on a constrained ACA garden plot that previous decisions of DLRCC and the Commission have refused.



RECOMMENDATION:

I recommend that a decision to **REFUSE PERMISSION** be made under the Planning & Development Act 2000, as amended for the following reasons:-

Having regard to the overall scheme proposal including siting, massing, design and layout, it is considered that the proposed development represents the overdevelopment of the site and constitutes a visually incongruous and discordant form of infill/ backland development imposed on the subject site which fails to respond to the character, scale and form of the surrounding development, which if permitted would adversely impact on the existing levels of residential amenity afforded to the established dwellings. The proposed development would offer substandard levels of amenity to future residents due to concerns relating to the proposed fenestration, safety reasons in respect of access and inadequate public open space. Therefore, the proposed development does not accord with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 regarding Additional Accommodation in Existing Built-up Areas, namely Section 12.3.7.6 Backland Development and Section 12.3.7.7 Infill. Furthermore, the proposed development would, if permitted, would set an undesirable precedent for similar inappropriate development in the area and is therefore be contrary to the proper planning and sustainable development of the area.

Senior Executive Planner

Endorsed: Senior Executive Officer

Fig. 42: Extract from DLRCC decision reg. ref. D25A/0361/WEB - lane safety and backland overdevelopment

6.6 History conclusion

The planning history does not give this scheme a foothold. It takes it away. No. 16 Marlborough Road, is for a single-storey house. It is not a precedent for a 7.44 m elevation on the party wall. It is evidence against that height. Grants outside this ACA, or to houses on mapped mews lanes, those sites are not Beeches Park. PHP22 does not apply in principle here. The zoning map does not mark this lane for mews housing.

The applicant points to Compact Settlements and to "infill" in the abstract - the Commission has already held on this road that backland and ACA tests must still be applied. National density policy does not erase an ACA, a rear garden, a Council wall, or a lane that was never designed as a residential street.

The planning history does not give this scheme a foothold. It takes it away. No. 16 Marlborough Road is for a single-storey house. It is not a precedent for a 7.44 m elevation on the party wall. It is evidence against that height. Grants outside this ACA, or to houses on mapped mews lanes, do not decide this

application. PHP22 does not apply in principle here. The zoning map does not mark this lane for mews housing.

The applicant points to Compact Settlements and to "infill" in the abstract. The Commission has already held on this road that backland and ACA tests must still be applied. National density policy does not erase an ACA, a rear garden, a Council wall, or a lane that was never designed as a residential street.

The history is not neutral. It is adverse:

- This site has no permission for a house. · The only built or permitted backland house on this lane is single storey. ·
- A two-storey house in a Marlborough Road rear garden in this ACA has already been refused at No. 13. ·
- Dún Laoghaire-Rathdown and the Commission have refused comparable two-storey backland schemes for amenity, precedent, open space, walls and lane safety.

DLRCC's decision to grant permission ignores this history. It seeks to reverse the established pattern on a smaller site, on higher ground relative to 6 Station Road, and on its own wall. The decision is inconsistent with previous decisions of DLRCC and of An Coimisiún Pleanála, with the recommendation of DLRCC's own conservation officer, and with the proper planning and sustainable development of the area. An Coimisiún Pleanála is requested to refuse permission so as to maintain the consistent approach that has been applied to this ACA and to comparable backland proposals.

7.0 Grounds of appeal

7.1 Ground 1: Adoption of the original Objection Report's grounds as issued to DLRCC

The Appellants adopt and rely upon, in full, the third-party objection and the Planning Objection Report submitted on their behalf by BPS Planning & Development Consultants Ltd in respect of planning application reg. ref. D26A/0651/WEB. That report set out the existing development context, the proposed development, the relevant planning history, the planning policy context, and the detailed grounds of objection. Those grounds remain valid. DLRCC's decision to grant permission has not addressed them. In particular, DLRCC has not sought further information to remedy the deficiencies identified, has not imposed conditions that adequately resolve the amenity, heritage, design, traffic or technical concerns raised, and has instead sought to redesign key elements of the scheme by condition. Compliance with those conditions will be outside third-party review. The original grounds of objection are therefore incorporated into this appeal as Ground 1. An Coimisiún Pleanála is requested to refuse permission for the reasons set out in the original Planning Objection Report and for the additional grounds that follow.

7.2 Ground 2: Detailed concerns over the DLRCC planning assessment and decision

7.2.1 Failure to follow the recommendation of the Senior Executive Conservation Officer

DLRCC's own Senior Executive Conservation Officer recommended refusal. In her report of 8 October 2026, Julie Craig, Senior Executive Conservation Officer, stated:

> *Any development proposals should respect the established character and morphology within Marlborough Road Architectural Conservation Area, which is characterised by large, detached dwellings set back from the road with generous gardens to the rear. For this reason, we are not supportive of the current proposals for the construction of a two-storey to the rear as it would not sensitively integrate with the established built character of the ACA. The proposed development would therefore be contrary to the proper planning and sustainable development of the area, and would set a poor precedent for similar type development in the area.*
>
> *We recommend refusal on the grounds the development fails to comply with CDP Policy Objectives notably Policy HER13 which seeks to (iii) Ensure that any new development or alteration of a building within an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials and Section 12.11.4 which states (i) A sensitive design approach is required for any development proposals in order to respect the established character and urban morphology.*

The planning assessment and the decision to grant permission do not engage with this professional advice. No further information was sought to explore design options to reduce the scale, height and massing, as the conservation officer suggested would be appropriate if the planning department were "mindful to permit the development". Instead, permission was granted for the scheme as submitted, subject only to conditions that do not address the fundamental conservation objections. This is inconsistent with Policy Objective HER13 and Section 12.11.4 of the County Development Plan 2022–2028, and with the proper planning and sustainable development of the area.

7.2.2 Redesign of the scheme by excessive compliance conditions

Rather than refuse permission or seek further information to resolve the deficiencies identified by its own officers and by third parties, DLRCC has granted permission subject to conditions that redesign key elements of the proposal.

Condition 2 requires a revised house and site layout to be submitted for written agreement prior to commencement. It requires the house to be relocated and reduced in east/west size/depth so that the existing dashed and rubble-stone boundary wall to Beeches Park is retained (other than the proposed vehicular entrance), the house set back 2 m from the inside face of that wall and 2 m from the proposed west boundary wall to the parent dwelling, a set-back bell-mouth entrance of no more than 3.5 m, specified materials, and an oriel-type redirected window with obscured glazing to Bedroom 3. Condition 5 limits parking to one space.

These are not minor or technical adjustments. They require a materially different building in a different location on the plot. No revised plans, elevations, sections, open-space calculations, separation distances, swept paths, visibility splays or assessments of the conditioned scheme were lodged or available to third parties or to the Board. Compliance submissions fall outside third-party review. The decision therefore grants permission for a development that has never been drawn, assessed against the Development Plan standards (including Section 12.3.7.6, HER13, PHP20 and open-space and separation requirements) or subjected to public scrutiny. This is contrary to the Development Management Guidelines for Planning Authorities (June 2007) and to the principle that the essential elements of a development must be determined by the planning authority (or on appeal) rather than left to subsequent agreement. The Appellants appeal both the principle of the original two-storey proposal and the conditioned permission itself.

The Transportation Planning report of 11 September 2026 states that Transportation Planning has no objection subject to the following conditions:

1. *A maximum of 1 No. car parking space shall be provided to serve the proposed dwelling house.*

2. *The width of the proposed widened vehicular entrance shall be no more than 3.5 metres in accordance with Section 12.4.8.1 General Specifications of the current DLRCC County Development Plan 2022-2028.*

3. *The proposed front boundary treatment shall be a maximum of 1.1 metres in height for a minimum of 1 metre either side of the proposed vehicular entrance to ensure adequate visibility between the vehicle exiting the site and the cyclists and vehicles on Beeches Park.*

4. *All necessary measures shall be taken by the Applicant and Contractor to:*

   a) prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works,
   b) repair any damage to the public road arising from carrying out the works,
   c) avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

Drainage Planning similarly conditioned the surface water arrangements:

1. *The surface water runoff generated by the development shall not be discharged to the public sewer but shall be infiltrated locally to a soakaway, as detailed in the application, in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems (SuDS) of the County Development Plan 2022-2028. The soakaway shall be designed to BRE Digest 365 and shall not have an overflow. The offset distance for infiltration from adjacent buildings or structures will be at the professional judgement of a suitably qualified engineer and shall ensure the proposed system has no impact on neighbouring properties. If a soakaway is not a feasible solution, then, prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a report signed by a Chartered Engineer showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDS measure.*

2. *Any changes to parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDS) i.e. permeable surfacing, and in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028. Appropriate measures shall be included to prevent runoff from driveways entering onto the public realm as required. Where unbound material is proposed for driveway, parking or hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.*

These conditions materially alter the scheme that was advertised and assessed. The number of parking spaces is reduced from two to one. The entrance width is reduced from 3.7 m to a maximum of 3.5 m. The front boundary treatment is required to be lowered. The drainage solution may be replaced by an alternative SuDS measure if infiltration is not feasible. None of these revised arrangements was the subject of public notice, third-party comment, or a conservation assessment. Compliance submissions will be dealt with outside the planning application process and will not be open to third-party review.

7.2.3 Contrary to the Development Management Guidelines and standard practice

This approach is contrary to the Development Management Guidelines for Planning Authorities (June 2007). Those Guidelines record the shift from Development Control to a more pro-active focus on Development Management. They state that planning authorities should support the positive vision set out in the development plan and adopt a pro-active approach towards development proposals which help achieve plan objectives. They emphasise that applicants expect the planning process to be responsive and customer-orientated, and that planning authorities should set out what is required and share good practice so that issues are resolved before a decision is made.

Standard practice, consistent with those Guidelines, is to seek further information where a proposal raises significant design, conservation, amenity or technical issues, so that the final scheme can be assessed on its merits with the benefit of third-party participation. It is not standard practice to grant permission for a scheme that DLRCC's own conservation officer has recommended for refusal, and then to redesign the parking, entrance, boundary treatment and drainage by compliance condition. The result is that neither the Appellants nor any other third party can examine or comment on the form of development that will ultimately be constructed. There is now no clear understanding of what will be built.

The decision is particularly unsatisfactory in the present case. The conservation officer recommended refusal. Previous decisions of DLRCC and of An Coimisiún Pleanála have refused comparable two-storey backland proposals in this ACA. The Development Management Guidelines promote resolution of issues before a decision, not after it. DLRCC's approach of granting permission and leaving fundamental design and technical matters to post-permission compliance is at odds with those Guidelines, with the conservation officer's opinion, and with proper planning practice. An Coimisiún Pleanála is requested to refuse permission.

7.3 Ground 3: The principle of this house on this lane should not be accepted

The site is zoned Objective A: to protect and/or improve residential amenity. A house is permitted in principle only where the policies and standards of the Plan are met. Section 13.1.3 of the Plan is clear that "permitted in principle" means acceptable subject to compliance with those policies, standards and requirements.

This application does not comply. The principle that fails is not "a house somewhere in Glenageary." It is a two-storey, 7.44 metre, four-bedroom house, built to the public wall of Beeches Park, on a 0.036 hectare slice cut from an ACA garden, with a new gate on double yellow lines at the Station Road junction.

That is backland development under Section 12.3.7.6. It is not a mapped mews lane under PHP22 and Section 12.3.7.9. There is no house in any other Marlborough Road rear garden in this ACA that presents two storeys to Beeches Park. The only permission the Commission has granted on this lane (D14A/0779 / PL06D.244544) was single storey, and it was never built. The only recent two-storey backland house on this road in the ACA (D21A/1057 / ABP-312909-22, No. 13) was refused for size, siting, trees, ACA harm and precedent. This scheme is taller than that refusal, on a smaller site, and sits on the lane wall. DLRCC's own Senior Executive Conservation Officer recommended refusal on the grounds that a two-storey house to the rear would not sensitively integrate with the established built character of the ACA and would set a poor precedent

DLRCC granted permission subject to conditions that require the house to be set back from the Beeches Park wall and reduced in size. The decision nonetheless accepts the principle of a two-storey house on this unmapped lane, together with the associated subdivision of an ACA garden plot, tree removal and a new opening. Those conditions do not resolve the fundamental conflicts with Zoning Objective A, Policy Objective PHP20, Section 12.3.7.6, Policy Objective HER13 and the Compact Settlements Guidelines. Moreover, because the revised scheme has never been drawn or assessed, it is impossible to determine whether the conditioned development would itself comply with those standards or would simply relocate the same impacts (or create new ones) closer to the parent house or elsewhere on the constrained plot. The Appellants therefore challenge both the original proposal and the permission as granted. The decision is inconsistent with previous decisions of DLRCC and of An Coimisiún Pleanála, with the recommendation of the Senior Executive Conservation Officer, and with the Development Plan standards that govern backland development and Architectural Conservation Areas.

Objective A is not satisfied. The scheme would not protect the amenity of 6 Station Road or of Beeches Park. It would not protect the plot pattern, wall and trees that are the character of this part of the Marlborough Road ACA. HER13 requires development in an ACA to respect that character. Inspector Hamilton held that ACA tests are more onerous than ordinary infill and that national guidance restricts the infilling of gardens. The Design Statement's claim of "no effect" on the ACA is not an assessment. The decision to grant permission does not supply that assessment.

The following in-principle objections arise:

- The proposal is the wrong typology for an unmapped lane: two storeys on the party wall, not the single-storey backland form Section 12.3.7.6 generally requires. ·
- It depends on subdividing an ACA house plot, breaking a wall that is partly DLRCC's, and removing trees, none of which is properly described or assessed.
- It would set the precedent DLRCC already refused at No. 13, and that the conservation officer advised against. ·
- It would seriously injure the amenities of 6 Station Road and of the lane, and would depreciate the value of property in the vicinity (Fourth Schedule, reason 10(c)).
- It is contrary to Objective A, PHP20, PHP22, Sections 12.3.7.6 and 12.3.7.9, HER13, and the Compact Settlements Guidelines as they apply to existing occupiers.

A house can be considered on zoned land. This house, in this position, on this lane, should not. An Coimisiún Pleanála is requested to refuse the principle.

7.4 Ground 4: The proposal is contrary to planning & conservation policy

7.4.1 Section 82, the Architectural Heritage Protection Guidelines (2011) and HER13

The site is in the Marlborough Road Architectural Conservation Area. Section 82 of the Planning and Development Act 2000 requires development in an ACA to preserve or enhance the character of the area. The 2011 Guidelines require new work to respect grain, scale, building lines, materials, plots, trees and boundary treatments. Policy Objective HER13 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 adopts that test and requires proposals to have regard to the ACA Character Appraisal.

This scheme does not preserve or enhance the ACA. It would be the first two-storey house in a Marlborough Road rear garden presenting to Beeches Park. It would take down a continuous lane wall, occupy that wall line with a 7.44 metre elevation and first-floor windows, remove mature trees, and cut 0.036 hectares from the garden of Warriston. There is no conservation report. The Design Statement says rear gardens and walls are not listed in the Appraisal, so the house can have "no effect." That is not the test.

Inspector Hamilton in reg. ref. ABP-312909-22 held that the special character of these plots is "large, detached dwellings within generous plots with mature trees and hedging" and that national guidance "restricts the infilling of gardens in ACAs." She held that ACA policy is "more onerous than general infill sites." DLRCC's own refusal at No. 13 was that a two-storey rear house, close to boundaries, with tree loss, would "significantly detract from the architectural character" of this ACA and would set an "undesirable precedent."

DLRCC's own Senior Executive Conservation Officer recommended refusal on precisely these grounds. In her report of 8 October 2026 she stated that a two-storey house to the rear "would not sensitively integrate with the established built character of the ACA," that the proposal would set a poor precedent, and that it fails to comply with Policy Objective HER13 and Section 12.11.4. DLRCC's decision to grant permission does not engage with that advice, does not require a conservation appraisal, and does not explore the design reductions the conservation officer indicated would be necessary if permission were to be considered.

While the Development Plan's specific '0/0' / 'no increase in the number of buildings' objective is limited to certain mapped areas in Dalkey and Killiney and does not apply here, the Marlborough Road ACA remains subject to the more onerous tests under Section 82, HER13 and the Character Appraisal. Those tests restrict inappropriate infilling of gardens and require development to preserve or enhance the established character (generous plots, mature trees/hedging, boundary walls and plot pattern). Section 12.3.7.6 further provides that piecemeal backland development with new vehicular accesses will not be encouraged. One new gate and one new façade on Beeches Park would make the next garden harder to defend. Cumulative loss of walls and trees is how an ACA is hollowed out. In addition, works to the curtilage of No. 18, to the Beeches Park wall and to the trees should have been described in the notices and assessed; they were not. DLRCC's decision to grant permission does not remedy these omissions or apply the ACA tests that DLRCC's own conservation officer and previous Commission decisions have already identified.

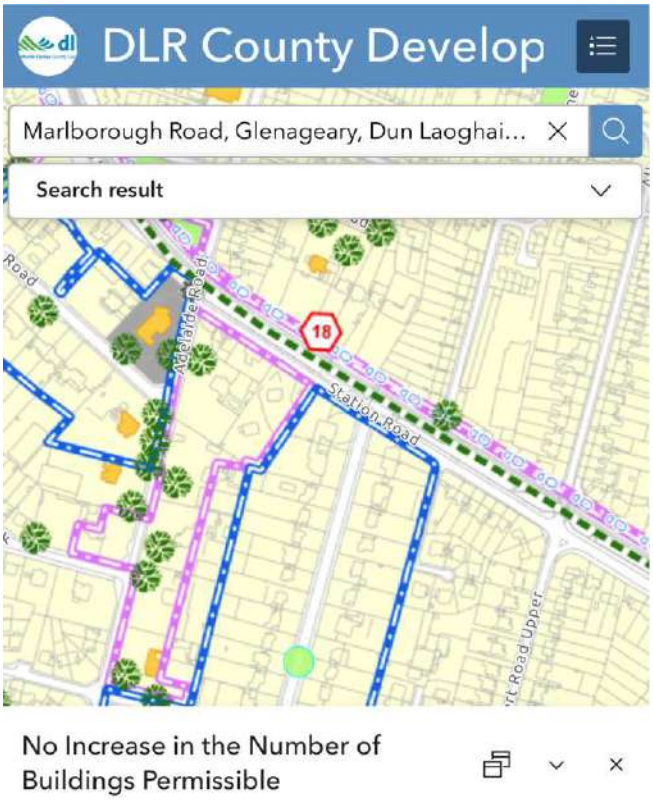


Fig. 43: The Development Plan's specific '0/0' / 'no increase in the number of buildings' objective

7.4.2 Development Plan policies and objectives relevant to this case

The following Development Plan policies and objectives are relevant to this case:

- HER1: protect, conserve and enhance architectural heritage.
- HER13 / HER14: development in an ACA must be appropriate to the character of the area.
- HER20 / HER21: buildings and settings of heritage interest, including nineteenth- and twentieth-century fabric that contributes to streetscape.
- Section 12.11 / 12.7.3: trees, landscape and site features that contribute to character are to be identified and retained.
- Section 12.3.7.6: backland houses generally single storey.
- PHP22 / Section 12.3.7.9: mews only where the lane is suitable. This lane is not mapped for that use.
- CA6 / Section 12.2.1: preference for repair and reuse of existing residential settings over scorched-earth subdivision.

7.4.3 Instances of non-compliance

The following instances of non-compliance with the policies and objectives listed above arise:

- ***Subdivision of an ACA plot with no assessment:*** Works that alter the curtilage of No. 18, the Beeches Park wall and the tree setting require permission in this ACA and require a heritage appraisal. They are not in the notices. They are not assessed. The decision to grant permission does not supply that assessment.

- ***Loss of the lane wall:*** The wall is the historic enclosure of the garden. Half of it is understood to be DLRCC's. Replacing it with a house elevation is the opposite of the Guidelines' advice on boundary treatments. It is the same class of harm as the wall loss that contributed to refusals at No. 13 and at reg. ref. D18A/0298.

- ***Infilling a heritage garden:*** The Appraisal and the Inspector at No. 13 treat generous planted plots as part of the special interest. Drawing 107 marks trees for removal. There is no Arborist Report.

- ***Scale and position:*** A 7.44 metre house on the public boundary is not "diminutive." It is taller than the house refused at No. 13 (7.02 m). It is built as close as the site allows to Station Road and to 6 Station Road.

- ***No Heritage Impact Assessment:*** Photomontages in the Design Statement do not replace an ACA appraisal, key views from Station Road and Beeches Park, or an assessment of cumulative pressure on the remaining gardens. The conservation officer's recommendation for refusal underscores this gap.

7.4.4 Trees / wildlife

The above photos show the trees on the Beeches Park / Station Road end of No. 18's garden, including ash and hornbeam. Drawing 107 marks trees for removal. Those trees are the closing vegetation of an ACA plot. They are habitat for birds and, potentially, bats. They are also the screen between the proposed two-storey elevation and 6 Station Road.

Section 12.7.3 and HER13 treat trees and hedging in an ACA as part of character, not as optional screening the applicant can delete. Inspector Hamilton at No. 13 treated tree loss as part of the reason the rear house failed. DLRCC has, nearby on Adelaide Road, attached a tree-preservation condition where the issue was raised in the process. That does not create an order on this site. It shows the authority will protect trees in this neighbourhood when the file puts them in issue.

There is no BS 5837 survey, no bat survey, and no note on the Wildlife Acts (nests, roosts). Removal of about six trees, including ash, at the pinch of the lane should not be treated as incidental landscaping. Until those surveys exist, HER13, Section 12.7.3 and PHP20 cannot be signed off.

7.4.5 Conclusion on Ground 4

Having regard to the Marlborough Road ACA, to Section 82, to the 2011 Guidelines, to HER13, to DLRCC's and Inspector's findings at No. 13 Marlborough Road, and to the recommendation of DLRCC's own Senior Executive Conservation Officer, the subdivision of this garden, the demolition of the lane wall, the loss of trees and the insertion of a two-storey house on the public boundary would materially harm the character of the ACA. The decision to grant permission is contrary to HER1, HER13, HER20, Sections 12.3.7.6 and 12.7.3, PHP22, and the proper planning and sustainable development of the area. An Coimisiún Pleanála is requested to refuse permission.

7.5 Ground 5: The proposal is contrary to planning policy

7.5.1 How the policies are to be read

Objective A zoning does not decide this application. Section 13.1.3 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 states that uses which are "Permitted in Principle" are "generally acceptable" only "subject to compliance with the relevant policies, standards and requirements set out in this Plan." The relevant requirements here are PHP20, PHP22, Section 12.3.7.6, Section 12.3.7.9, HER13, the Building Height Strategy, and the Compact Settlements Guidelines for Planning Authorities (2024). Each is set out below and applied to the submitted drawings and details.

DLRCC has granted permission for the proposed development without issuing a request for further information and without imposing conditions that resolve the non-compliances identified below. The decision is inconsistent with the policies and standards of the Development Plan and with the recommendation of DLRCC's own Senior Executive Conservation Officer.

7.5.2 Compact Settlements Guidelines 2024

Section 3.3.1 / 3.3.3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 list the priorities for city and metropolitan growth. After compact growth itself, they include: "(b) protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality."

Section 3.4 requires density ranges to be refined by "character, amenity and the natural environment."

Section 3.4.2 states: "New development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment."

It goes on: "Historic environments (built and landscape heritage) can be particularly sensitive to change."

And: "In considering impact on character and amenity as part of the assessment of a planning application, it will be important to detail the evaluation process and to draw clear and reasoned conclusions in relation to the nature and extent of potential impacts."

Section 5.3.7 (Daylight) states that it is "important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties" and that a technical assessment should

have regard to BRE Guide 209 (2022) where buildings are close together or higher buildings are involved.

Section 5.9.1 states that the design approach should be based on "the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities."

Assessment of the applicant's planning application

The Design Statement does not carry out that evaluation. It asserts "no effect" on the ACA. It offers shadow diagrams for Nos. 17 and 19 Marlborough Road. **It does not assess 6 Station Road**. It does not apply BRE 209. A 7.44 metre house on the public wall of an ACA garden, on an unmapped lane, is a significant negative impact on historic character and on adjoining amenity. The Guidelines do not support it. SPPR 1 does not displace HER13 or Section 12.3.7.6.

The decision to grant permission does not supply the missing evaluation of impacts on historic character or on 6 Station Road. No BRE 209 assessment was requested. The Guidelines' requirement that potential impacts be evaluated and reasoned conclusions drawn has not been met.

7.5.3 Dun Laoghaire-Rathdown Development Plan 2022-2028

7.5.3.1 Policy Objective PHP20 — Protection of Existing Residential Amenity

Policy Objective PHP20 states: "It is a Policy Objective to 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."

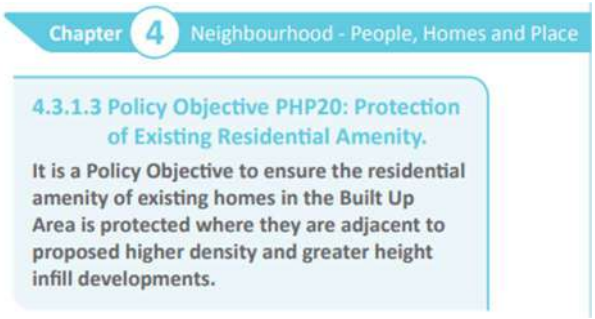


Fig. 44: Policy Objective PHP20: Protection of Existing Residential Amenity of the CDP

Assessment of the applicant's planning application

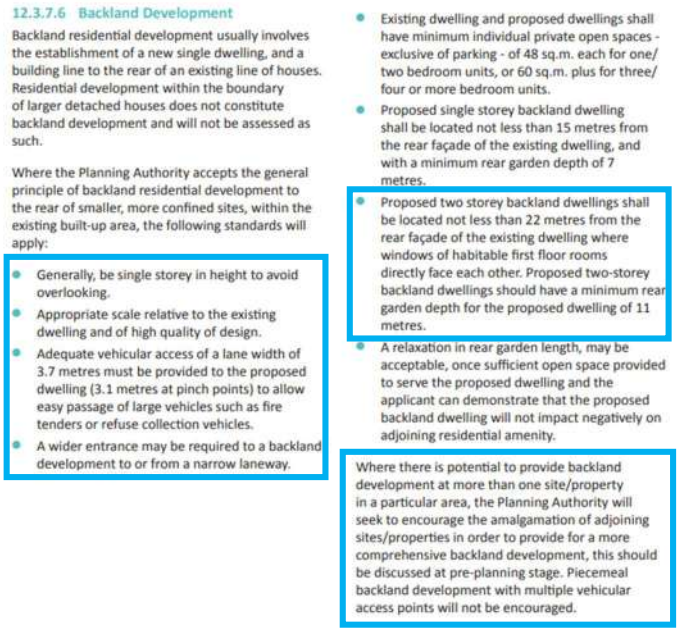
6 Station Road is adjacent in the only sense that matters. It stands immediately north of the Beeches Park / Station Road junction. The existing garden of No. 18 is on lower ground. The proposed house would be built up toward that junction, two storeys, 7.44 metres, with first-floor windows and a vehicle gate on the lane, with no footpath on the applicant side of the lane and no screening. Headlights, reversing, overlooking and overbearing would fall on our clients. Those are the adverse residential and visual amenity impacts Policy Objective PHP20 is written to prevent.

The proposal is non-compliant with Policy Objective PHP20. The decision to grant permission does not address the adverse residential and visual amenity impacts on 6 Station Road that PHP20 is written to prevent.

7.5.4 Section 12.3.7.6 - Backland Development

The Development Plan states that backland development usually involves a new single dwelling to the rear of an existing line of houses. Where the principle is accepted on smaller, confined sites:

- development should "Generally, be single storey in height to avoid overlooking";
- there should be "Appropriate scale relative to the existing dwelling and of high quality of design";
- first-floor windows facing the existing house require a separation in the order of 22 metres;
- each dwelling requires a minimum of 60 sq.m of private open space, exclusive of car parking; and
- the lane should be 3.7 metres wide (not less than 3.1 metres at a pinch point) and capable of taking a fire tender or refuse vehicle.



12.3.7.6 Backland Development

Backland residential development usually involves the establishment of a new single dwelling, and a building line to the rear of an existing line of houses. Residential development within the boundary of larger detached houses does not constitute backland development and will not be assessed as such.

Where the Planning Authority accepts the general principle of backland residential development to the rear of smaller, more confined sites, within the existing built-up area, the following standards will apply:

- Generally, be single storey in height to avoid overlooking.
- Appropriate scale relative to the existing dwelling and of high quality of design.
- Adequate vehicular access of a lane width of 3.7 metres must be provided to the proposed dwelling (3.1 metres at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- A wider entrance may be required to a backland development to or from a narrow laneway.
- Existing dwelling and proposed dwellings shall have minimum individual private open spaces - exclusive of parking - of 48 sq.m. each for one/ two bedroom units, or 60 sq.m. plus for three/ four or more bedroom units.
- Proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- Proposed two storey backland dwellings shall be located not less than 22 metres from the rear façade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.
- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

Where there is potential to provide backland development at more than one site/property in a particular area, the Planning Authority will seek to encourage the amalgamation of adjoining sites/properties in order to provide for a more comprehensive backland development, this should be discussed at pre-planning stage. Piecemeal backland development with multiple vehicular access points will not be encouraged.

Fig. 45: Section 12.3.7.6 - Backland Development of the CDP

Assessment of the applicant's planning application

The proposal is non-compliant with Section 12.3.7.6:

- The house is two storeys and 7.44 metres high where single storey only could be accepted at this location, even *in principle.*
- The proposed two storey dwelling sits on the Beeches Park wall. First-floor windows face the lane and, at 20 metres on the applicant's own figure, face toward No. 18.
- Two parking spaces take up much of the frontage.
- No fire-tender or car swept-path analysis is provided.
- The lane has double yellow lines, a electricity pole and no usable footpath on the applicant side.
- The scheme fails the height test.
- The scheme fails the separation test,
- The scheme fails the open-space test as tabulated for both houses after parking, and the access test.

These are the standards DLRCC applied at No. 13 Marlborough Road (D21A/1057) and the standard Inspector Mannion applied when he described Beeches Park as characterised by single-storey development (PL06D.244544).

Finally, there is no amalgamation here. The application is a single 0.036 hectare slice of one garden, with its own new gate onto Beeches Park. Nos. 16, 17 and 19 retain their gardens. The Design Statement treats other rear gardens as precedent for more of the same. That is the piecemeal pattern the Plan says it will not encourage: one opening after another on a lane that already cannot take two cars. No pre-planning discussion of a comprehensive scheme for the Marlborough Road backs is on the file. A grant would make the next application harder to refuse. That is a further reason the principle in section 12.3.7.6 is not met.

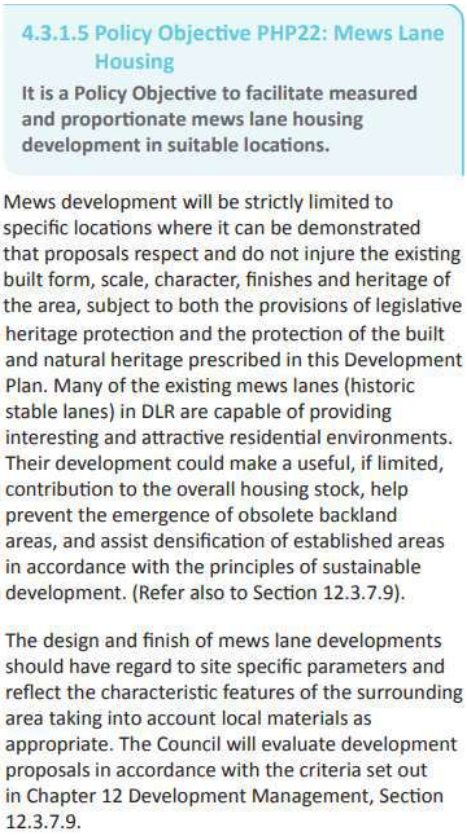
The proposal is non-compliant with Policy Objective PHP20.

7.5.5 PHP22 and Section 12.3.7.9 - Mews

Policy Objective PHP22 supports mews development on suitable historic stable lanes where that suitability is established. Section 12.3.7.9 sets the detailed tests for those lanes.

Assessment of the applicant's planning application

Beeches Park is not shown on the zoning map as a mews lane. No two-storey house presents to this lane from a Marlborough Road garden in the ACA. The applicant cannot elect the mews chapter because a gate is proposed. The correct chapter is 12.3.7.6 (see below).



4.3.1.5 Policy Objective PHP22: Mews Lane Housing

It is a Policy Objective to facilitate measured and proportionate mews lane housing development in suitable locations.

Mews development will be strictly limited to specific locations where it can be demonstrated that proposals respect and do not injure the existing built form, scale, character, finishes and heritage of the area, subject to both the provisions of legislative heritage protection and the protection of the built and natural heritage prescribed in this Development Plan. Many of the existing mews lanes (historic stable lanes) in DLR are capable of providing interesting and attractive residential environments. Their development could make a useful, if limited, contribution to the overall housing stock, help prevent the emergence of obsolete backland areas, and assist densification of established areas in accordance with the principles of sustainable development. (Refer also to Section 12.3.7.9).

The design and finish of mews lane developments should have regard to site specific parameters and reflect the characteristic features of the surrounding area taking into account local materials as appropriate. The Council will evaluate development proposals in accordance with the criteria set out in Chapter 12 Development Management, Section 12.3.7.9.

Fig. 46: section 4.3.1.5 Policy Objective PHP22: Mews Lane Housing

7.5.6 Policy Objective HER13 - Architectural Conservation Areas

Policy Objective HER13 is a policy objective to protect the special character of ACAs and to ensure that all development proposals within an ACA are appropriate to that character, having regard to the Character Appraisal.

Assessment of the applicant's planning application

Planning Inspector Hamilton assessing planning appeal reg. ref. ABP-312909-22 held that these plots are "large, detached dwellings within generous plots with mature trees and hedging," that ACA guidance is "more onerous than general infill sites," and that national guidance "restricts the infilling of gardens in ACAs."

DLRCC refused a 7.02 metre rear house at No. 13 for size, siting, trees, ACA harm and precedent.

This house is taller, on a smaller site, on the public wall, with trees marked for removal and no tree report. It does not comply with HER13. DLRCC's own Senior Executive Conservation Officer recommended refusal on the grounds that the proposal fails to comply with HER13 and Section 12.11.4, would not sensitively integrate with the established built character of the ACA, and would set a poor precedent. The decision to grant permission does not engage with that advice.

7.5.7 Building Height Strategy and PHP42

The Building Height Strategy (Appendix 5) and PHP42 require high-quality design and compliance with the Strategy. BHS 3 addresses residual suburban areas. Buildings that are significantly taller than the prevailing height are assessed against the performance criteria in Table 5.1, including integration with character and public realm, response to edges, neighbouring amenity, daylight and overshadowing.

Assessment of the applicant's planning application

The prevailing building height on this frontage is a wall of about 1.2 to 1.7 metres. The only permitted house on the lane was single storey (see Section 7.0 of this report). A 7.44 metre elevation on the party wall is increased height. It does not integrate with the lane, does not respect 6 Station Road, and has not been tested for daylight. Table 5.1 'Performance Based Criteria' of the BHS (see Appendix 5 of the

CDP) is not addressed. The decision to grant permission does not require an assessment against the performance criteria in Table 5.1.



Fig. 47: Policy Objective PHP42: Building Design & Height

7.5.8 Section 12.3.7 - general residential criteria

Section 12.3.7 (Additional Accommodation in Existing Built-up Areas) requires acceptable density and layout, quality of elevations, privacy and amenity (overbearing, overlooking, sunlight and daylight), and regard to context – see Fig. 48 for the full planning criteria which must be applied to this proposal were it to consider it to be a mews application.

Assessment of the applicant's planning application

This proposal is for a four-bedroom house and two car parking spaces on a 0.036 hectares site. Built to both the lane and the Station Road end of the garden, is overdevelopment of the site. At the extreme end of non-compliance, the lane elevation puts habitable rooms onto yellow lines on the side of a laneway with no footpath on the applicant side of the lane. Privacy and daylight at 6 Station Road have not been measured. The context is an ACA garden, not a street. The context has never been found by DLRCC or the Commission to support a two storey dwelling proposal in the manner or even in a like manner to what is now submitted.

Section 12.3.7 is the chapter that decides this application. The scheme does not meet its requirements. The full list of non-compliance concerns arising is as follows:

Non-compliance with Section 12.3.7 (Additional Accommodation in Existing Built-up Areas)

Section 12.3.7 as a whole / PHP19 framework:

- Infill and backland housing is to respect or complement the established dwelling type and character of the area. **A two-storey house on the Beeches Park wall does not.**
- Mews and other infill must not detract from existing buildings and adjoining amenities (cross-ref. 12.3.7.9). **This scheme would.**
- Backland development is to be co-ordinated on suitable sites that can protect adjoining amenities. This is a single slice of one garden.
- New development must not seriously reduce the amenity of nearby dwellings. 6 Station Road would take the elevation, windows and gate.

Section 12.3.7.5 Corner / side garden parameters (the Plan says 12.3.7.7 infill is to be read with these)

- Size, design and layout relative to the existing dwelling and immediately adjacent properties – **these requirements are not met.**
- Impact on the amenities of neighbouring residents - **not assessed by the applicant for 6 Station Road (no BRE study). BPS can confirm that overbearing/visual obtrusion/visual intrusion, overlooking, and overshadowing concerns arise.**
- Development Plan standards for existing and proposed dwellings – **the residual garden of No. 18 is not tabulated against the 60 sq.m rule after subdivision.**
- Car parking for existing and proposed dwellings on site - **two new car parking spaces are proposed on the lane. No demonstration has been made that No. 18 keeps adequate parking or that the proposed dwelling's parking is technically acceptable.**

- Side / gable and rear access and maintenance space – **the house is proposed on the party wall (as set out above).**

- Adequate usable private open space for both dwellings - **not demonstrated exclusive of parking.**

- Visual harmony, finishes and boundary treatments - **lane wall replaced by a house elevation is not acceptable.**

- Existing boundary treatments to be retained or reinstated where possible - **the Beeches Park wall is to be removed which is unacceptable.**

- First-floor windows on gables close to boundaries - **first-floor windows open onto the lane, yellow lines and no footpath on the applicant side of the lane. This is unacceptable.**

Section 12.3.7.6 Backland development

- Development within the boundary of a larger detached house is not to be assessed as ordinary backland in the Plan's opening sentence - **even if ACP treats this as backland, the stricter confined-site tests then apply.**

- Generally single storey to avoid overlooking - **the house is two storeys and 7.44 m and overlooks our clients' property.**

- Appropriate scale relative to the existing dwelling and high-quality design - **taller than the house refused at No. 13 and it is proposed to be built to the public wall.**

- Vehicular access of 3.7 m lane width (3.1 m at a pinch) for fire tenders and refuse vehicles – **this is not demonstrated. The applicant has not addressed the issues of the yellow lines, the electricity pole, or the need for swept-path analayis.**

- Wider entrance may be required from a narrow laneway - **not designed, the opening sits on the pinch.**

- Minimum private open space 60 sq.m exclusive of parking for each four-bedroom house – **this is not tabulated for both dwellings after two cars and the footprint. The private open space for the proposed dwelling is to the side of the dwelling adjoining the laneway and the neighbouring property.**

- Two-storey backland dwelling not less than 22 m from the rear façade of the existing house where first-floor habitable windows face each other – **the applicant states 20 m. This needs to be measured by DLRCC.**

- Minimum rear garden depth 11 m for a two-storey backland house – **this is not shown as complying as the garden is to the side of the dwelling and parking is proposed on one side of the dwelling.**

- Relaxation of garden length only if the applicant demonstrates no negative impact on adjoining amenity - **no such demonstration has been provided for 6 Station Road which will be overbeared, overlooked, and overshadowed.**

- Amalgamation of adjoining sites to be sought; piecemeal backland with multiple vehicular access points will not be encouraged - **one new gate is provided onto Beeches Park, no amalgamation, no pre-planning on a comprehensive scheme, etc.**

Section 12.3.7.7 Infill:

- Infill shall respect the height and massing of existing residential units - **the prevailing height on this frontage is a 1.2 to 1.7 m wall and single-storey pattern on the lane.**

- Infill shall retain the physical character of the area including boundary walls, trees, landscaping – **party wall to go, trees marked for removal on drawing 107, no arborist report.**

- The above two points apply with particular force to Victorian / early–mid 20th century suburban settings and is to be read with HER20 / HER21. The site is also in an ACA, so the test is higher still.

Section 12.3.7.9 Mews:

- Mews is limited to suitable historic stable lanes. **Beeches Park is not indicated on the zoning map.**
- Proposals must not injure built form, scale, character, finishes or heritage. **A two-storey elevation on the public wall would injure built form, scale, character, finishes and heritage**

Every operative test in Section 12.3.7 that applies to this site is failed.

The decision to grant permission does not remedy these failures. Conditions that reduce parking from two spaces to one and the entrance width to 3.5 m redesign elements of the scheme by compliance, outside third-party review, but do not address the fundamental non-compliances with height, separation, open space, access standards or the piecemeal nature of the proposal.



12.3.7.9 Mews Lane Development

The principle of mews development will generally be acceptable when located on a lane that:

- Is already developed to such an extent that further development would have to be regarded as infill.
- Is already adequately serviced and surfaced from the site to the public road, with a suitable underlying base to cater for the expected traffic volumes.
- Has a legally acceptable agreement between owners or interested parties who intend to bring the laneway to standards and conditions - particularly in terms of services, road surfacing and public lighting - suitable to be taken-in-charge by the Council. The onus will be on the applicant(s) to demonstrate that they have a consensus of owners or interested parties.
- Where the Council is likely to be able to provide services and where owners can be levied to allow the Council to service the sites.
- Has been identified as being suitable for such development on the County Development Plan Maps or within a Local Area Plan.

The principle of mews development on a particular laneway will not generally be accepted where:

- The length of all or most of the adjoining rear gardens on the side of the lane concerned is less than 25 metres or
- Where, particularly in a commercial area, the lane is likely to be required by the frontage buildings for access or the area adjoining the lane is required for expansion.

Where the Planning Authority accepts the principle of residential development on a particular laneway, the following standards will generally apply:

- Development will be confined to single units in one or two storeys of modest size and the separation distance between the rear façade of the existing main structure (onto the front road) and the rear mews structure should normally be a minimum of 20 metres and not less than 15 metres, or not less than 22 metres where first floor windows of habitable rooms directly face each other.
- Setting back of dwellings and boundary walls may be required dependant on existing building lines, lane width, character and parking/access.
- Dwellings and boundary walls may be required to reflect the scale, height, materials and finish of existing walls and buildings, particularly where old coach houses and two storey structures are involved.
- All parking provision in mews laneways should be in off-street garages, integral garages (car ports), forecourts or courtyards, and conditions to 'de-exempt' garage conversions will normally be attached. At least one off-street parking space per dwelling will generally be required. Where two spaces can be reasonably accommodated these should be provided. Part set-backs of frontage for on-street parallel parking may be considered depending on lane width and structure types.
- Each dwelling shall generally have a private open space area of not less than circa 48 sq.m. exclusive of car parking area. A financial contribution in lieu of public open space provision may be required.
- Where dwellings are permitted on both sides of a lane, habitable room windows must be set out to minimise direct overlooking of each other where less than 9 metres apart.
- Vehicular entrance widths shall be a minimum but sufficient to provide for proper vehicular turning movements allowing for laneway width and for pedestrian visibility.

Minimum lane width requirements are:

- Up to 6 dwellings: Adequate vehicular access of a lane width of circa 3.7 metres must be provided to the proposed dwellings - 3.1 metres at pinch points – to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- Up to 20 dwellings: Width of 4.8 metres subject to a maximum length of 300 metres. Short lengths of narrow width may be acceptable where there will be no frontage access to those lengths.

All mews laneways will be considered to be shared surfaces and footpaths need not necessarily be provided. If external street/security lighting is warranted, only a minimal level and wall-mounted type(s) may need to be provided. Opportunities should be undertaken to improve permeability and connectivity to and from the development as part of the Development Management process.

Each proposed mews lane unit will be assessed having regard to site specific conditions. Reduced standards from the above may be acceptable, particularly in cases of conversion of existing two storey structures in sound condition and of particular architectural and/or townscape value.

Applications should clearly state the requirements and method statement for bin storage and collection, car parking, access and similar details.

Fig. 48: section 12.3.7.9 Mews Lane Development of the CDP

7.5.9 Climate and landscape policies

CA6 and section 12.2.1 prefer reuse of the existing built environment. Section 12.7.3 requires trees and landscape features that contribute to character to be identified and protected. Drawing 107 marks trees for removal. There is no arboricultural survey. The loss of the planted setting of No. 18 is a landscape and climate failure as well as an ACA failure.

7.5.10 Rebuttal of the covering letter (28 August 2026) and Design Statement policy case

Ryan Kennihan Architects' letter and section 2 of the Design Statement ask DLRCC to treat this as a small, careful house with "no effect" on the ACA. The drawings and the Development Plan do not support that case.

- ***"Small compact house" / "minimise overall height":*** The letter says the house is compact and well below the height of Warriston and the neighbours. Compact is not the test. Section 12.3.7.6 says a backland house on a confined site should generally be single storey. This house is two storeys and 7.44 m. That is higher than the two-storey house refused at No. 13 Marlborough Road (7.02 m). Height relative to Warriston's ridge is irrelevant to 6 Station Road and to Beeches Park, where the prevailing feature is a 1.2 m wall.
- ***"Site the building away from the neighbours and from the side*** **boundaries":** The Beeches Park elevation replaces the party wall and sits on the lane. The north end is pulled as far as the site allows toward Station Road and 6 Station Road. That is the opposite of a set-back. First-floor windows face the lane with no screening.

- ***"No effect on the characteristics of the ACA":*** This is the central error. HER13 and Section 82 require the character of the ACA to be preserved or enhanced. Inspector Hamilton held that generous plots, mature trees and hedging are that character, that ACA tests are more onerous than ordinary infill, and that national guidance restricts infilling gardens. The Design Statement says rear gardens and walls are not listed in the Appraisal, therefore there is no effect. That is not how an ACA works. Absence of a bullet point on "rear garden" does not license demolition of the wall and trees. There is no conservation report. The conservation officer's recommendation for refusal confirms that the Design Statement's claim is not an assessment and that the proposal would harm the character of the ACA.

- ***"Retain the large majority of trees":*** Drawing 107 marks trees for removal. There is no arboricultural survey, no categories, no method statement. DLRCC refused No. 13 in part for tree loss. Claiming a "majority" retained, without a survey, is not compliance with Section 12.7.3 or HER13.

- ***"Echo existing houses through opening proportions and materials":*** Proportions of windows do not address a two-storey façade on a public lane that has never had one. Section 12.3.7.7 requires retention of boundary walls, trees and landscaping, not a painted masonry box that takes their place.

- ***Precedent section 2.6:*** This has been dealt with in Section 6.0 of this report. In short:

  - Reg. ref. D14A/0779 was single storey, never built. Inspector Mannion described Beeches Park as single-storey in character.
  - Reg. ref. D07A/0372 was single storey.
  - Silchester Road and Green Gates are not this lane and not this ACA test.
  - Reg. ref. D21A/1057 / ABP-312909-22 is omitted. That is the decision on this road. A two-storey rear house was refused for size, siting, trees, ACA harm and precedent.

  A precedent section that lists grants and leaves out the refusal next door but two is not a policy assessment.

- ***Open space and 20 m separation (Design Statement 3.1):*** The Statement gives Warriston 1,070 sq.m and the new house 199 sq.m, with a 20 m gap to the rear of No. 18. Section 12.3.7.6 requires 60 sq.m exclusive of parking for each four-bed house and 22 m where first-floor habitable windows face each other. Twenty metres is a shortfall. 199 sq.m that includes two parking spaces is not "exclusive of parking." Residual space for No. 18 after the new boundary is asserted, not measured on the drawings against the standard.

- ***Shadow analysis***

- The study addresses Nos. 17 and 19 Marlborough Road and existing trees. It does not assess 6 Station Road. It is not BRE 209. Compact Settlements section 5.3.7 and PHP20 require that assessment. Its absence is a policy failure, not a drawing preference.

- ***"Childhood home" / family occupancy:*** That is not a planning criterion. Section 12.3.7.6 and HER13 apply whoever lives in the house.

- ***What the applicant never addresses:*** The applicant omits a number of critical parts of their policy assessment. In summary:

  - Objective A as a duty to protect amenity, not only to allow a house.
  - PHP20 and 6 Station Road.
  - PHP22: this is not a mapped mews lane.
  - Piecemeal access: the Development Plan will not encourage multiple new gates on back lanes.
  - DLRCC ownership of half the wall and the absence of roads consent.
  - Uisce Éireann feasibility.
  - Visibility splays, forward-in / forward-out, pedestrians on a lane with no footpath on the applicant side of the lane.

  These standards were applied by DLRCC at No. 13 Marlborough Road (D21A/1057) and by the Commission Inspector in PL06D.244544. The decision to grant permission for the current scheme ignores those standards and seeks to establish a two-storey precedent on a confined backland site where the Plan expects a single-storey form.

7.5.11 Conclusion on the policy grounds

The covering letter and Design Statement ask DLRCC to grant a "small compact house" with no effect on the ACA. That is not the development shown on the drawings, and it is not the test in the Plan.

Objective A allows a house only where the standards are met. Section 12.3.7.6 requires a backland house on a confined site to be generally single storey, 22 metres from facing first-floor windows, with 60 sq.m of private open space exclusive of parking for each four-bed dwelling, and a lane 3.7 metres wide that can take a fire tender. This house is 7.44 metres high, 20 metres from the rear of No. 18, built onto the public wall of Beeches Park, with two cars on the frontage and no swept-path. The Development Plan also says piecemeal backland with a new vehicular access will not be encouraged. There is no amalgamation and no pre-planning on a comprehensive scheme.

PHP22 does not apply. Beeches Park is not a mapped mews lane. PHP20 does apply. 6 Station Road would take the elevation, the windows and the gate at the junction.

HER13 and Section 82 require the Marlborough Road ACA to be preserved or enhanced. Inspector Hamilton held that generous plots, trees and hedging are that character, that ACA tests are stricter than ordinary infill, and that national guidance restricts infilling gardens. DLRCC refused a lower two-storey house at No. 13 for size, siting, trees, ACA harm and precedent. This application is taller, tighter, and silent on the trees. The Design Statement's claim that gardens and walls are "not listed" is not an assessment.

The Compact Settlements Guidelines require historic character and existing occupiers to be protected and impacts to be reasoned. There is no BRE study of 6 Station Road and no conservation appraisal.

The applicant's precedents are single-storey permissions that were not built, and grants on other streets. The decision that belongs on this file is D21A/1057.

The proposal does not comply with Objective A, PHP20, PHP22, Sections 12.3.7.6, 12.3.7.7 and 12.3.7.9, HER13, PHP42, CA6, Section 12.7.3, or the Compact Settlements Guidelines. DLRCC's decision to grant permission ignores these non-compliances, the adverse planning history on this road, and the recommendation of its own conservation officer. An Coimisiún Pleanála is requested to refuse permission.

7.6 Ground 6: Siting, height, scale, mass, bulk and design

The covering letter and Design Statement describe a diminutive house, set off the neighbours, with no effect on the ACA. The drawings show a two-storey, 7.44 metre, four-bedroom house on 0.036 hectares, built onto the Beeches Park wall facing 6 Station Road, on ground that is higher relative to our clients than the floor of No. 18. That is the scheme that must meet the requirements of Section 12.3.7.6, HER13 and PHP20 of the CDP.

DLRCC has granted permission for the scheme as submitted without issuing a request for further information and without imposing conditions that address the height, siting, mass or design deficiencies identified below. DLRCC's own Senior Executive Conservation Officer recommended refusal on the grounds that a two-storey house to the rear would not sensitively integrate with the established built character of the ACA. No proper assessment of the relationship to 6 Station Road, of the 7.44 m elevation on the public wall, or of the visual impact on the lane and the ACA was carried out before the decision was made.

7.6.1 Height and scale

Section 12.3.7.6 says a backland house on a confined site should generally be single storey. The only Board grant on this lane (D14A/0779) was single storey, ridge about 4.36 m. DLRCC refused a 7.02 m two-storey house at No. 13 (D21A/1057). This house is taller than that refusal.

On Beeches Park the prevailing height is a wall of about 1.2 m. From 6 Station Road the new elevation would read higher still because of levels. Recessed corners and a parapet do not make it single storey.

DLRCC is invited to review Sections 3.1 and 4.0 of this report which show the proposed 7.44 m tall elevation to be built in place of the party boundary to the laneway. This is vastly taller and more visually obtrusive, intrusive, etc. than the single-storey ridge on Beeches Park permitted under reg. ref. D14A/0779.

DLRCC is reminded that under reg. ref. D21A/1057, it refused a 7.02 m tall, proposed house at No. 13.

The applicant has decided not to assess likely adverse impacts on our clients' property at 6 Station Road; therefore, no existing or proposed cross section is provided to allow a comparison of proposed FFLs versus 6 Station Road. Nonetheless, the proposed relationship would be unacceptable and contrary to the Development Plan (see Section 7.5 of this report).

The decision to grant permission does not engage with the height standard in Section 12.3.7.6, with the single-storey ceiling established by D14A/0779, or with the refusal of a lower two-storey house at No.

13. No cross-section relating the proposed finished floor levels to 6 Station Road was required. The height and scale remain unassessed and unresolved.

7.6.2 Siting - on the party wall and as close as possible to our clients

The front elevation replaces the party wall. Half of that wall is understood to be DLRCC's. First-floor windows and a vehicular gate (also for pedestrian use) would open onto double yellow lines and no footpath on the applicant side of the lane. The north end of the house is hard against the Station Road side of the garden. There is no meaningful set-back from the public boundary and no meaningful set-back from the junction.

Section 12.3.7.6 of the Development Plan requires 22 m setback where first-floor habitable rooms face No. 18. The applicant's figure is 20 m.

Section 3.1 of this report confirms the poor juxtaposition of the applicant's proposals relative to the lane, the party wall, to No. 6, to the applicant's existing dwelling, and to adjoining properties.

The Commission is invited to view the applicant's proposed ground and first floor windows which are sited immediately on the laneway on the alignment of the existing party wall. These windows are essentially placed on yellow lines where future residents have no privacy while removing our clients' privacy.

The decision to grant permission does not require a set-back from the public wall or from the Station Road junction, does not measure the 20 m separation against the 22 m standard, and does not assess the privacy impact of first-floor windows opening onto the lane. The siting remains unacceptable.

7.6.3 Mass and bulk

A four bedroomed house and two car parking spaces is provided on a 360 sq.m site, with the building on the public edge, is bulk the cell cannot absorb without putting rooms onto the lane and taking trees. Drawing 107 marks trees for removal. Those trees are the screening the existing property relies on for its privacy. Once they go, the applicant's dwelling will be the only unscreened view from the lane and from the existing dwelling.

The mass and bulk of this poorly sited two storey dwelling would be excessively conspicuous on the laneway, from our clients' property, and from adjoining properties.

Section 3.1 of this report has set out how applicant Drawing 107 shows trees to go and Google Earth shows these trees in summertime. The factoring of this dwelling is excessive and at odds with the ACA setting – it is sited too close to No. 18 while damaging the visual appearance of its residual garden.

The decision to grant permission does not require retention of the trees shown for removal on Drawing 107 or an assessment of the residual visual impact once screening is lost. The mass and bulk remain excessive for the site and the ACA setting.

7.6.4 Overdevelopment

This is not a density argument in units per hectare. It is the Development Plan's own tests: two storeys where single storey is required, 20 m where 22 m is required, parking eating the open space that must be 60 sq.m exclusive of parking for each four-bed house, a new gate on a lane the Development Plan says should not take piecemeal accesses. That is overdevelopment of the site.

The decision to grant permission, even with the conditioned reduction to one parking space, does not remedy the overdevelopment identified by the Plan's own tests on height, separation, open space and piecemeal access.

7.6.5 Design in the ACA

HER13 and Section 12.3.7.7 of the Development Plan require retention of walls, trees and plot pattern. Inspector Hamilton found the No. 13 house had no features of interest for an ACA. Painted masonry and vertical windows do not convert a two-storey lane frontage into ACA design. **There is no conservation report.**

The conservation officer recommended refusal on HER13 and Section 12.11.4 grounds. The decision to grant permission does not require a conservation appraisal or design revisions to reduce scale, height and massing. The design remains contrary to the ACA policies.

7.6.6 Visual impact and missing views

The Design Statement's VIA does not include verified views from 6 Station Road, from the junction looking south, or along Beeches Park looking north. Those are the views that matter. Contiguous elevations relating the 7.44 m face/front elevation to our clients' house (and front and rear gardens) and to the electricity pole are not on the planning file.

No verified views from 6 Station Road or from the junction were required before the decision. The visual impact remains unassessed.



Fig. 49: Suggested viewpoints 1-3 from No. 6 Station Road



Fig. 50: Suggested viewpoints 4 & 5 — Station Road / Beeches Park junction

7.6.7 Overbearing toward 6 Station Road

Our clients are located on the other side of the laneway from the proposed dwelling and on higher ground relative to No. 18. A two-storey house on the wall, with headlights at the gate, would dominate that outlook. PHP20 requires that amenity to be protected. It has not been measured (no BRE pack) and it has not been designed out.

The decision to grant permission does not require a BRE 209 assessment or any measured evaluation of overbearing, overlooking or overshadowing at 6 Station Road. PHP20 has not been applied.

7.6.8 Private open space

Section 12.3.7.6 and Table 12.10 require 60 sq.m of usable private open space behind the building line, exclusive of parking, for a four-bedroom house, and the same for No. 18 after subdivision. The Design Statement's 199 sq.m includes the parking court. Residual space at Warriston is asserted as 1,070 sq.m without a dimensioned plan that excludes the new boundary works. Ground-level space that is a parking apron is not the Plan's standard.

The conditioned reduction to one parking space does not supply a dimensioned plan that demonstrates 60 sq.m exclusive of parking for both dwellings. The open-space standard remains unmet.

7.6.9 What would comply

A house that met Section 12.3.7.6 would be single storey, off the public wall, with the lane wall repaired, trees surveyed and kept, 22 m from No. 18, 60 sq.m exclusive of parking for both dwellings, and access that does not reverse toward Station Road. That is a different application.

The decision to grant permission does not require any of these revisions. Compliance conditions redesign parking and entrance width outside third-party review but do not produce the single-storey, set-back form that Section 12.3.7.6 requires.

7.6.10 Conclusion on Ground 6

Height, siting, mass and design are excessive for this lane, this ACA and this relationship with 6 Station Road. They are contrary to PHP20, Sections 12.3.7.6 and 12.3.7.7, HER13 and the Compact Settlements Guidelines. DLRCC's decision to grant permission does not properly assess these matters, does not follow the recommendation of its own conservation officer, and does not resolve the deficiencies by condition. An Coimisiún Pleanála is requested to refuse permission.

7.7 Ground 7: Injury to the residential amenity of 6 Station Road

No. 6 Station Road is zoned Objective A: to protect and/or improve residential amenity. PHP20 requires that amenity to be protected where existing homes adjoin higher or more intense infill. The Compact Settlements Guidelines (sections 3.4.2, 5.3.7 and 5.9.1) require adjoining occupiers to be safeguarded and impacts to be reasoned, including daylight.

Our clients are the people this scheme would face. No. 18 sits on lower ground. The new house would be built up toward the lane and the junction, two storeys, 7.44 m, with first-floor windows and a vehicle gate (also for pedestrian use) on the public wall, with no footpath on the applicant side of the lane and no screening. That is not a distant "infill in a large garden." It is a new frontage aimed at our clients' outlook.

DLRCC has granted permission for the proposed development without issuing a request for further information and without imposing conditions that address the overbearing, overlooking, visual intrusion, daylight/sunlight, headlight or construction impacts on 6 Station Road identified below. No proper assessment of these impacts was carried out. The decision is contrary to Objective A, PHP20 and the Compact Settlements Guidelines.

7.7.1 Adverse overbearing

There is no two-storey house on this side of Beeches Park. The prevailing feature is a 1.2 m wall and trees. Replacing that wall with a house elevation, on higher ground relative to 6 Station Road than the floor of No. 18, would dominate the junction and the south-facing aspect of our clients' property. Section 12.3.7.6 requires single storey on confined backland sites for this reason. DLRCC refused a lower house at No. 13 because of siting, height and separation.

The decision to grant permission does not engage with the single-storey expectation in Section 12.3.7.6 or with the refusal of a lower house at No. 13 on siting and height grounds. The overbearing impact on 6 Station Road remains unassessed.

7.7.2 Visual intrusion and obstruction - 6 Station Road

From 6 Station Road the existing view south is a low wall, canopy and the mouth of Beeches Park. That is a domestic, planted edge. Sensitivity of the receptor is high: a private dwelling, occupied year-round, looking straight at the application frontage across a few metres of carriageway.

The magnitude of change would be high. A two-storey, 7.44 metre painted elevation would take the place of the wall, on ground that is higher relative to our clients than the floor of No. 18. First-floor windows and a vehicle opening (also for pedestrian use) would sit on the skyline of that view. Trees

marked for removal on drawing 107 are the only existing screen. Once they go, the house is the view. There is no set-back and no intervening structure. The effect is both intrusion (a new built form in the primary outlook) and obstruction (loss of the open planted skyline above the wall).

The Design Statement does not assess this receptor. No verified view has been produced from the front of 6 Station Road or from the junction looking south. On a reasonable application of GLVIA3, the significance of the effect on our clients would be major adverse and permanent. That is not a residual effect that planting on the applicant's side of a two-storey façade can cure. It is a reason the scheme fails PHP20 and Objective A.

No verified view from 6 Station Road or from the junction was required before the decision. The Design Statement's failure to assess this receptor was not remedied. The major adverse visual impact remains unaddressed.

7.7.3 Overlooking, privacy and surveillance - 6 Station Road

This is our clients' primary concern. They are the only household that would sit opposite a new two-storey elevation on Beeches Park, at the pinch of the junction, with windows aimed at their house and garden.

Overlooking concerns

First-floor habitable rooms would look across the lane. These windows are sited on the party wall. There is no set-back, no intervening building and no screen once the trees on drawing 107 are gone. Occupiers of the new house would see into our clients' rooms (kitchen/dining, etc.), patio area, rear garden, etc..

Our clients would see those windows every time they leave the house or sit at the front. That is overlooking in fact, and it is the perception of being watched. PHP20 and Section 12.3.7.6 exist to stop exactly that relationship. The Plan's answer on a confined backland site is single storey, not first-floor glass on the public wall.

No overlooking study and no cross-section through 6 Station Road are on the planning file. Section 2.0, 3.0 and 4.0 of this report show the existing party wall to the laneway and then how the applicant proposes to replace this with a two storey elevation metres from our clients' property boundary.

Visual intrusion and obstruction

From 6 Station Road the view south is a low wall, canopy and the mouth of the lane. Sensitivity is high. The magnitude of change would be high. A 7.44 metre elevation would take the place of that wall, on higher ground relative to our clients than the floor of No. 18. The effect is intrusion (a new built form in the primary outlook) and obstruction (loss of the planted skyline). On a GLVIA3 reading the significance would be major adverse and permanent. The Design Statement does not assess this receptor. No verified view from the front of 6 Station Road or from the junction looking south has been produced.

The existing trees within the No. 18 currently offer screening and privacy to both properties. The applicant proposes to remove these and to leave no space to the laneway frontage for any new screening to be provided to mitigate overlooking concerns.

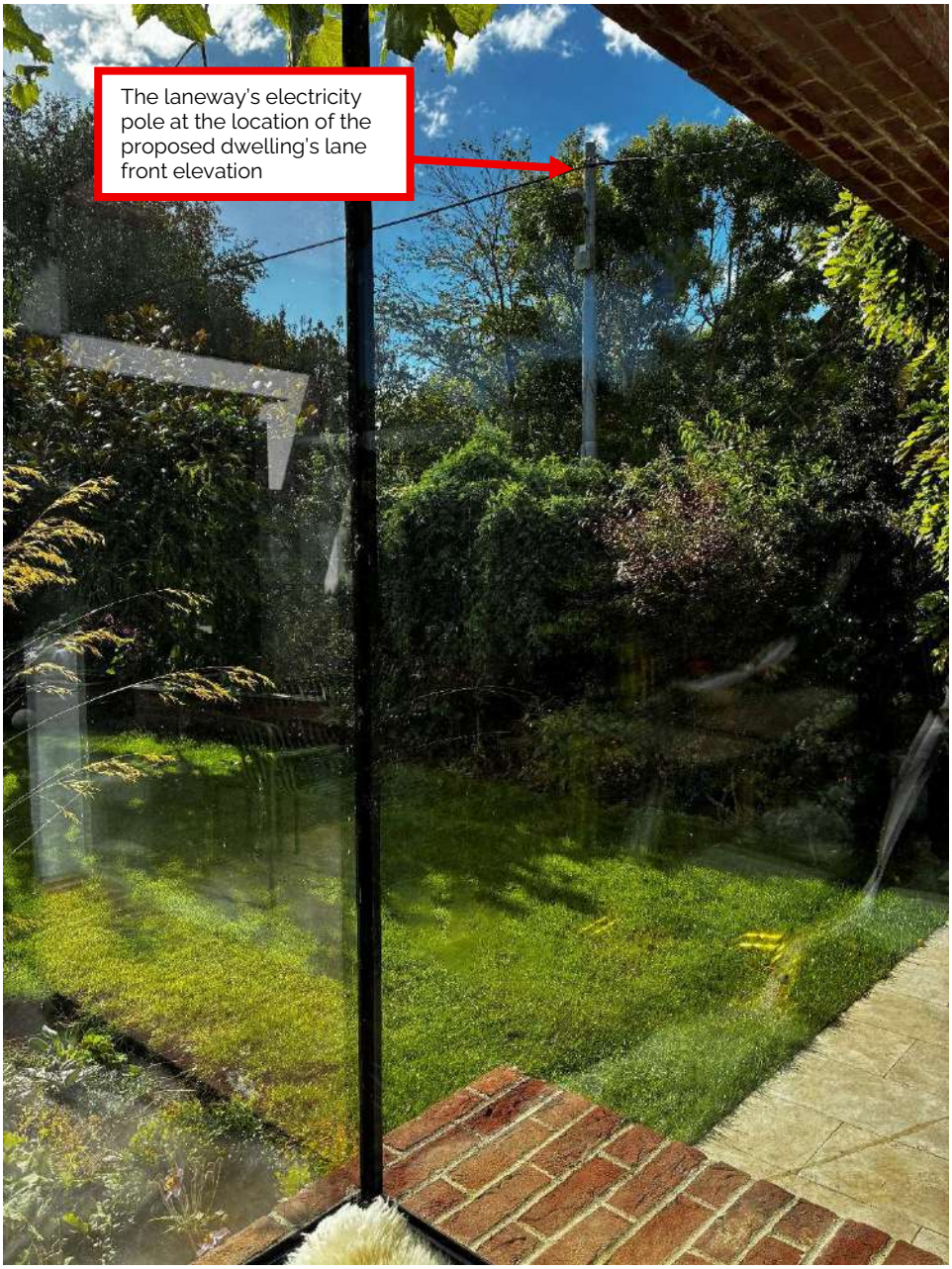


Fig. 51: Existing view from 6 Station Road's rear ground floor windows

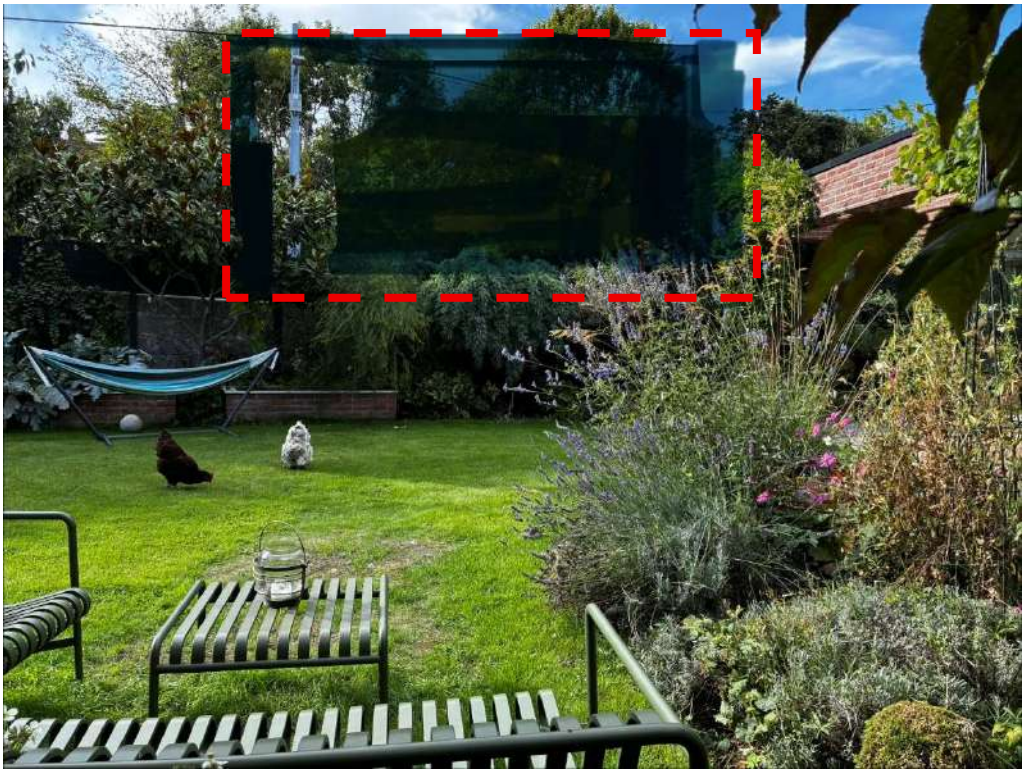


Fig. 52: Estimated extent of the proposed dwelling as it would be visible from 6 Station Road

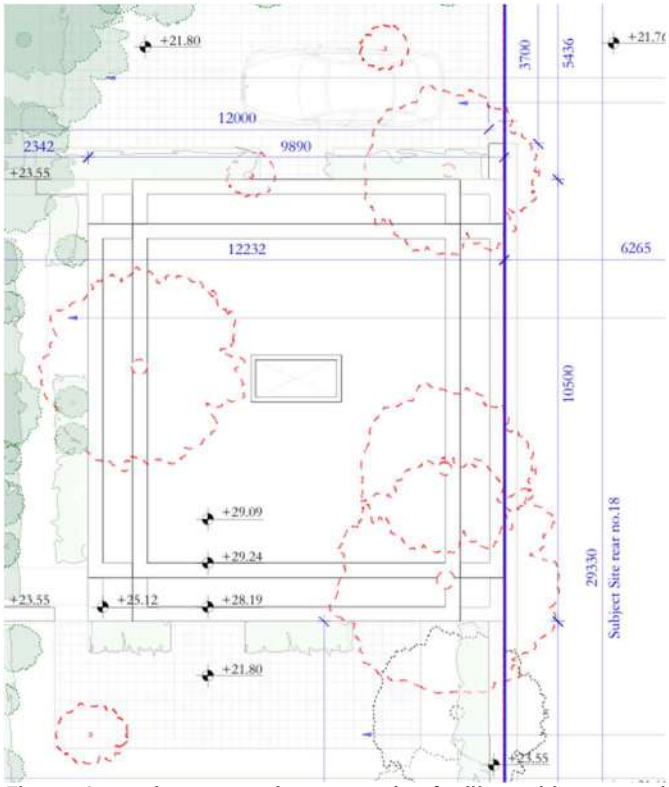


Fig. 53: Screening trees to be removed to facilitate this proposal

Total overlooking and visual intrusion impact

Together, the above concerns comprise a PHP20 failure. Our clients would lose privacy and would live with a two-storey façade in their principal view. Permission should be refused.

No overlooking study or cross-section through 6 Station Road was required. The decision to grant permission leaves first-floor windows on the public wall, with trees marked for removal and no space

for screening. The privacy injury to 6 Station Road remains unresolved. Permission should have been refused on this ground alone.

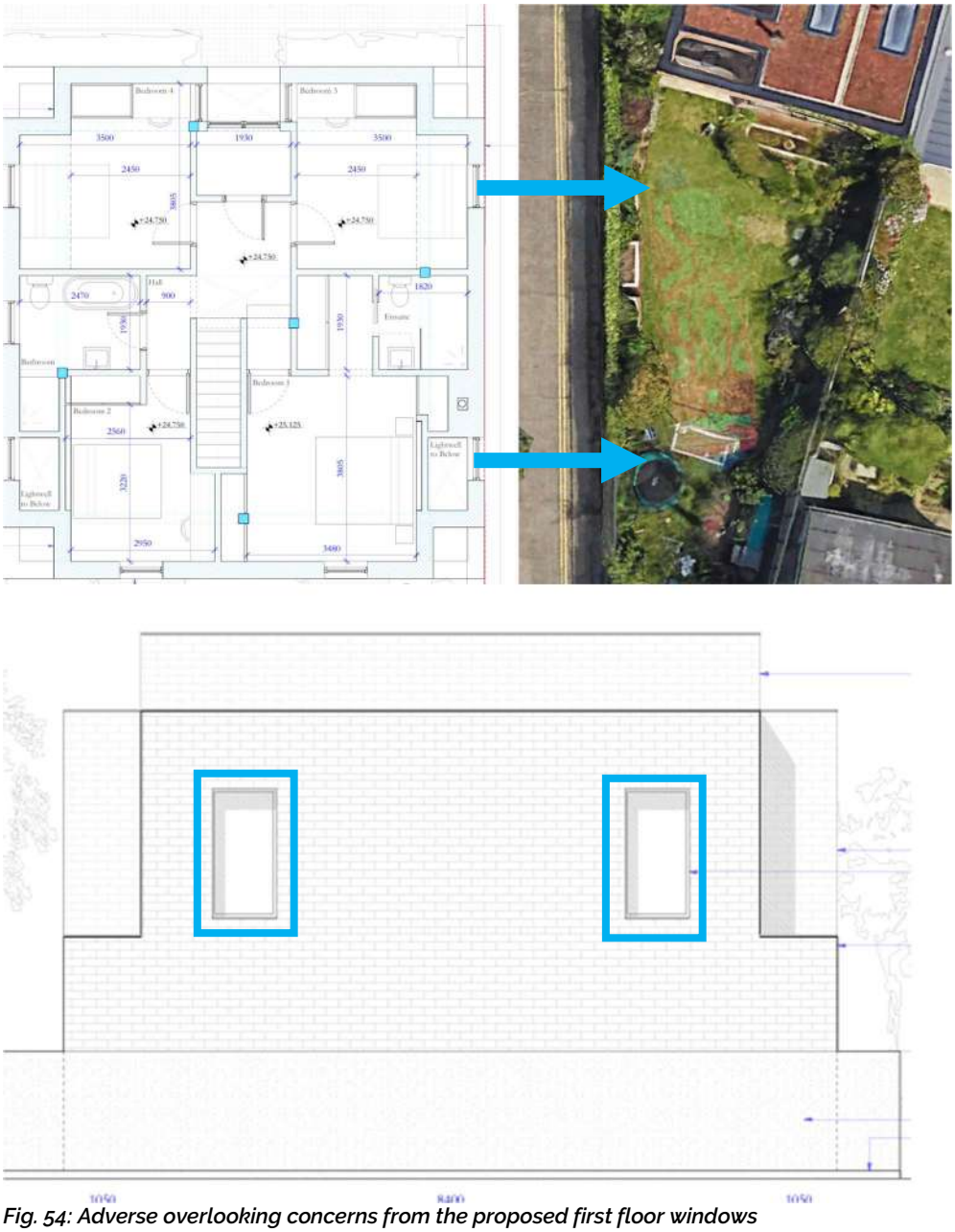


Fig. 54: Adverse overlooking concerns from the proposed first floor windows

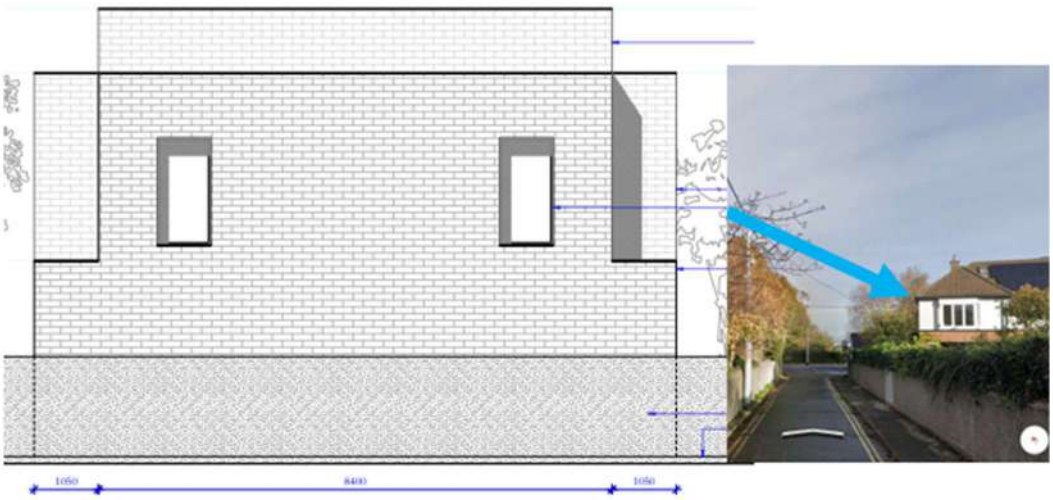


Fig. 55: Adverse overlooking concerns from the proposed first floor windows (illustration only)

7.7.4 Residual daylight, sunlight and overshadowing impacts

The assessment that was required and was not carried out

No BRE 209 / IS EN 17037 study of 6 Station Road has been submitted. Compact Settlements section 5.3.7 states that acceptable daylight for neighbours is an important planning consideration, and that a technical assessment should be used where buildings are close together or higher than what is there. That is this site: a 7.44 metre house on the lane wall, on higher ground relative to our clients than the floor of No. 18, a few metres from the front of 6 Station Road.

The Design Statement's shadow analysis addresses Nos. 17 and 19 Marlborough Road and existing trees. It does not assess 6 Station Road. Inspector Hamilton's finding of no overshadowing at No. 13 related to Marlborough Road gardens and windows facing a courtyard. That is not this geometry.

The absence of a quantified neighbour study is a material gap. DLRCC cannot find compliance with PHP20 or section 5.3.7 on the applicant's drawings alone.

Shadow-length diagrams prepared by BPS

BPS has prepared shadow-length diagrams using SunCalc for the afternoon and evening hours on the BRE reference dates (21 March / September and 21 June). These diagrams are not a substitute for VSC, APSH and the 21 March garden-sunlight test. That study was the applicant's responsibility. The diagrams are more than the file contains for 6 Station Road.

They show that the proposed 7.44 metre ridge would cast additional shadow toward the front and side of 6 Station Road, and across the mouth of Beeches Park, in the hours when that frontage receives usable afternoon and evening sun.

21 March / 21 September (equinox)

On the equinox the sun is in the western sky by mid-afternoon. From about 3 pm the proposed ridge begins to throw additional shadow north toward Station Road. By 4 pm and 5 pm that shadow occupies more of the space in front of 6 Station Road and the junction. By 6 pm the frontage is more extensively shaded than with the existing 1.2 m wall. Those are the hours BRE exists to protect.

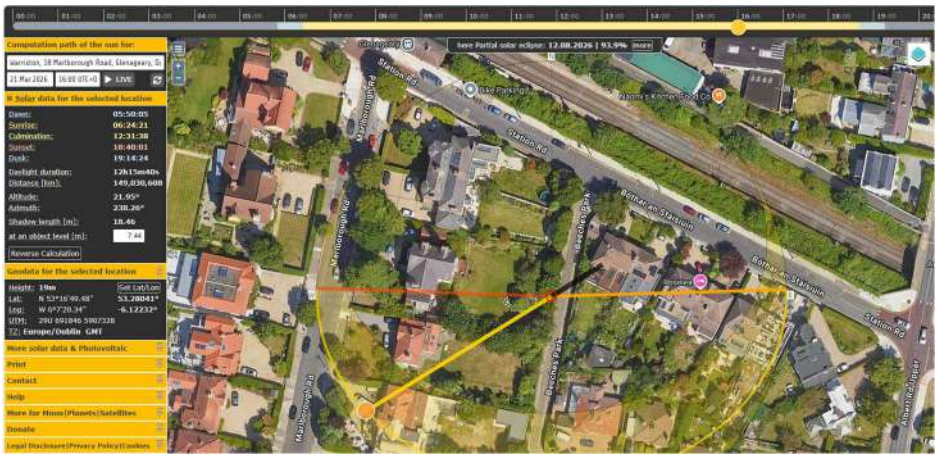


Fig. 56: Shadow length diagram for 4pm on 21st March / September (Source: www.suncalc.org)

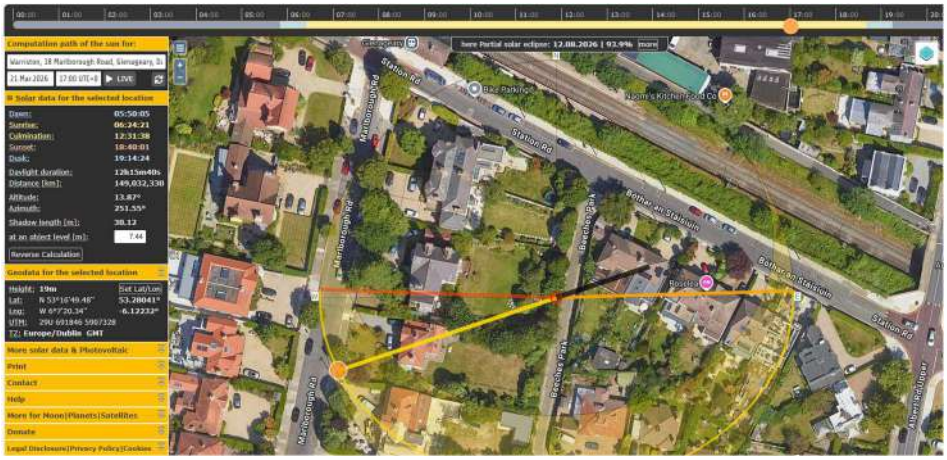


Fig. 57: Shadow length diagram for 5pm on 21st March / September (Source: www.suncalc.org)

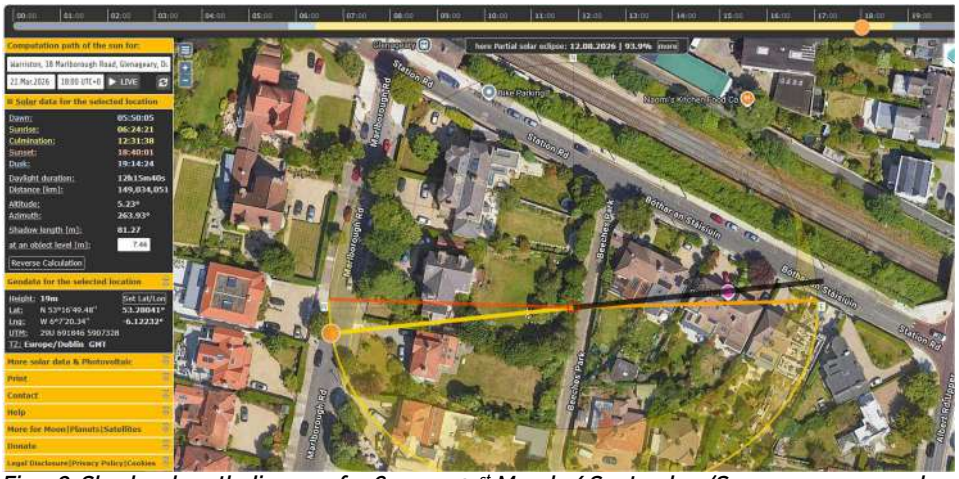


Fig. 58: Shadow length diagram for 6pm on 21st March / September (Source: www.suncalc.org)

21 June (midsummer)

Even at midsummer the 7.44 metre form still produces additional late-afternoon and evening shadow on the Station Road side of the lane. Absolute length is shorter than at the equinox. The extra bulk of a two-storey ridge still shortens the period of direct sun on our clients' side of the junction.



Fig. 59: Shadow length diagram for 5pm on 21st June (Source: www.suncalc.org)

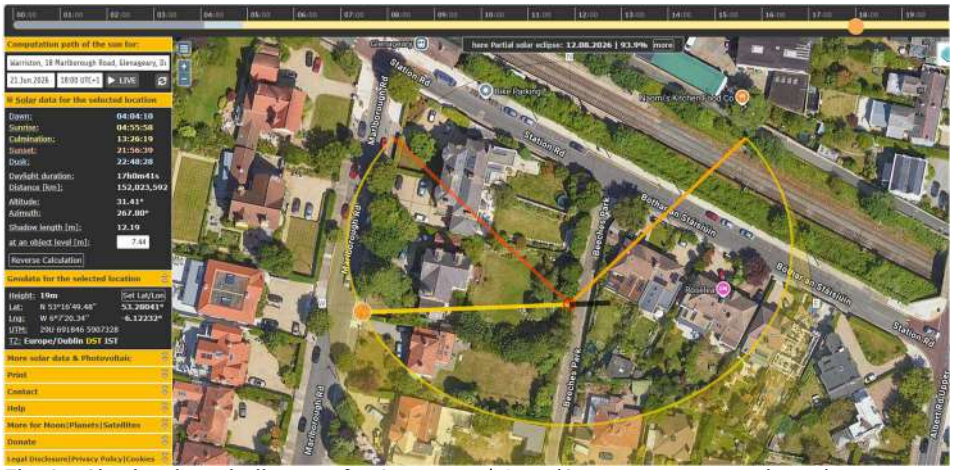


Fig. 60: Shadow length diagram for 6pm on 21st June (Source: www.suncalc.org)



Fig. 61: Shadow length diagram for 7pm on 21st June (Source: www.suncalc.org)



Fig. 62: Shadow length diagram for 8pm on 21st June (Source: www.suncalc.org)

Winter

In mid-winter the sun is low and the absolute contribution of the new ridge is less decisive. The material period is March to September, when the front of 6 Station Road and the junction are actually used.



Fig. 63: Shadow length diagram for 3pm on 21st December (Source: www.suncalc.org)



Fig. 64: Shadow length diagram for 4pm on 21st December (Source: www.suncalc.org)

7.7.4.1 What the diagrams show

They do not claim that 6 Station Road would be in permanent darkness. They show an incremental overshadowing effect from a roof that Section 12.3.7.6 says should generally not be two storeys. A true single-storey form, set off the public wall, would materially reduce the length and duration of that extra shadow. The application does not offer that form.

The applicant's shadow diagrams address Nos. 17 and 19 Marlborough Road and existing trees. They do not assess 6 Station Road. There is no BRE 209 VSC, APSH or sun-on-ground study. Compact Settlements section 5.3.7 says that study is required where buildings are close or higher than what is there. Inspector Hamilton at No. 13 found no overlooking of Marlborough Road neighbours because windows faced a courtyard. That geometry is not this geometry. Our clients are across the pinch of the lane, on the low-to-high relationship the sections show.

A condition requiring a BRE study after grant would leave the PHP20 test off the public file. No BRE 209 study of 6 Station Road was requested. The decision to grant permission does not address the incremental overshadowing shown in the shadow-length diagrams. The daylight and sunlight impact on 6 Station Road remains unassessed. A post-permission condition cannot cure the absence of a public assessment.

Permission should be refused.

7.7.5 Headlights, vehicle noise and the siting of the parking

The two parking spaces sit on the Beeches Park frontage, on the party wall, a few metres from the Station Road junction and from the front and side of 6 Station Road. That is not a driveway deep in a garden. It is a parking court aimed at our clients.

Headlights

Cars have not been shown to enter and leave in a forward direction. On a lane this narrow, with yellow lines and a electricity pole immediately south of the opening, the likely manoeuvre is a reverse in or a reverse out. Either way, headlights sweep across the mouth of the lane and toward 6 Station Road - toward the rear garden and, at an angle, toward the rear elevation. That flicker would occur every arrival and departure, including after dark. There is no wall high enough, once the opening is cut, to stop it. There is no set-back. PHP20 does not require our clients to live with that.

Engine, door and manoeuvring noise

Each movement is an engine, gears, doors and tyres on a shared-surface lane with no footpath on the applicant side of the lane. Two spaces serving a four-bedroom house are not occasional farm traffic. They are daily residential traffic at the pinch of the junction. The existing condition is a wall and no vehicles. The change is material.

Congestion and the amplified effect of a bad layout

Beeches Park cannot take two-way passing at this point. A car waiting to enter, a car waiting to leave, a delivery van or a visitor will block the lane and back toward Station Road. That is immediately outside our clients' property. The Plan requires a 3.7 m lane (3.1 m at a pinch) that can take a fire tender. No swept-path is on the file. Poor siting of the spaces - on the public boundary, on yellow lines, next to a electricity pole, next to the junction — turns every trip into a conflict. That conflict is an amenity impact as well as a roads impact.

What the file does not contain

There is no lighting assessment of headlight paths, no noise note, no tracking for a private car, and no construction-phase plan that keeps plant off this pinch. The Design Statement treats parking as a number. It is a frontage pointed at 6 Station Road.

Transportation Planning conditions reduce parking to one space and the entrance width to 3.5 m, but they do not require a lighting assessment of headlight paths, a noise note, or a swept-path demonstrating forward-in, forward-out. Compliance will be outside third-party review. The headlight, noise and congestion impacts on 6 Station Road remain unaddressed.

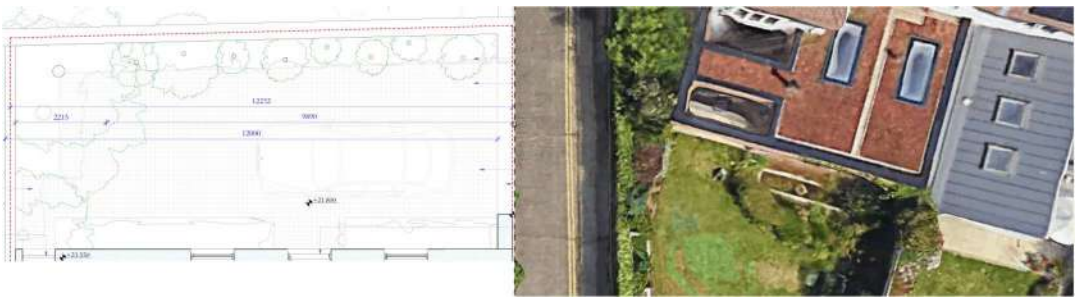


Fig. 65: Proposed parking on the lane versus 6 Station Road



Fig. 66: Yellow lines, electricity pole and junction

Headlights, noise and congestion are part of the same injury as overlooking. Together they fail PHP20 and Objective A. Permission should be refused.

7.7.6 Construction-phase impacts on 6 Station Road

There is no Construction Management Plan on the file that keeps this build off Beeches Park and Station Road. The house sits on the party wall. The only public frontage is the lane at the junction. Our clients would take the works at close range for the duration of the job.

Likely adverse impacts include:

- ***Demolition of the lane wall:*** dust, vibration and debris at the public boundary, including the portion understood to be DLRCC's.
- ***Excavation and foundations on a tight site, next to the carriageway:*** vibration, noise and possible movement of the remaining wall and of services in the lane.
- ***Piling or breaking out if rock or poor ground is met:*** peak noise and vibration at the junction.
- ***Scaffolding, hoarding and over-sailing on or over the public lane:*** no consent, no method, no protection for pedestrians who already have no footpath on the applicant side of the lane.
- ***Deliveries and HGVs using Station Road and Beeches Park:*** reversing, tail-swing, blocking the junction, conflict with our clients' access.
- ***Worker parking and welfare:*** no space on site, overspill onto Station Road and the lane.
- ***Cranes or telehandlers lifting over the wall line:*** over-sailing our clients' outlook and the public road.
- ***Dust on windows, gardens and the front of 6 Station Road, with no monitoring location proposed.***
- ***Noise from demolition, saws, generators and radios for months, at a house that now faces a quiet wall.***
- ***Hours of work:*** early starts and Saturday working on a residential pinch point, unless tightly conditioned (and conditions cannot cure a site that has no other access).
- ***Mud and spoil on Station Road and the lane.***
- ***Temporary lighting facing our clients after dark.***
- ***Temporary loss of the wall and trees:*** the screen goes first; the two-storey shell is then built in full view.
- ***Services connections in the public road:*** further openings, noise and delay at the junction.
- ***No agreed route through No. 18 from Marlborough Road:*** so the default is the lane.

None of this is assessed. A condition requiring a CEMP after grant leaves our clients with the risk and no public assessment. Construction is part of the PHP20 injury. Permission should be refused.

No Construction Management Plan that keeps plant off Beeches Park and Station Road was required. The decision to grant permission leaves the construction-phase injury to 6 Station Road unresolved and outside third-party review.

What the Plan protects

Objective A and PHP20 are written for this house. Section 12.3.7.6, HER13 and the No. 13 decision are written for this pattern of gardens. Fourth Schedule reason 10© recognises serious injury to amenity and depreciation of value. Our clients should not have to absorb a two-storey public elevation so that one garden can be split.

7.7.7 Operational phase matters not addressed - Bins, lighting and night use of the opening

Bins, lighting and night use of the proposed new wall opening (alongside the entire new use of the party boundary as a dwelling's front elevation) is now addressed by the applicant:

- Where do 1100-litre bins sit on collection day on a lane with no footpath on the applicant side of the lane.
- What lighting sits on the new gate facing 6 Station Road?
- Will there be external lighting serving the site?
- Where will the postman and other delivery drivers stop?

The planning file is silent on these matters. The decision to grant permission does not require details of bin storage, lighting or delivery arrangements. These operational impacts on 6 Station Road remain unassessed.

7.7.8 Inadequate separation and no screening on the applicant's land

Section 12.3.7.6 requires 22 metres where first-floor rooms face the existing house. The applicant's figure is 20 metres. Toward 6 Station Road there is no set-back at all: the elevation is the party wall. That is not a failure DLRCC can treat as a detail. It is how a four-bed house is forced onto a 360 sq.m site.

The layout drawings show planting that reads as a screen. On inspection, there is no depth on the applicant's side of the Beeches Park line in which a hedge or tree belt could grow to the height of first-floor cills. The wall is coming down. The trees on drawing 107 are coming out. After that, 6 Station Road would face glass and painted masonry. Our clients cannot be asked to plant out an injury that is designed onto the public boundary.

There is also no demonstration of how the lane elevation would be built and maintained without scaffolding on the public road or over-sailing. That is a construction point and a neighbour point: a house that can only be finished from the lane is a house sited too close.

The decision to grant permission does not require a set-back from the public wall or space for screening. The zero set-back relationship to 6 Station Road remains unacceptable.

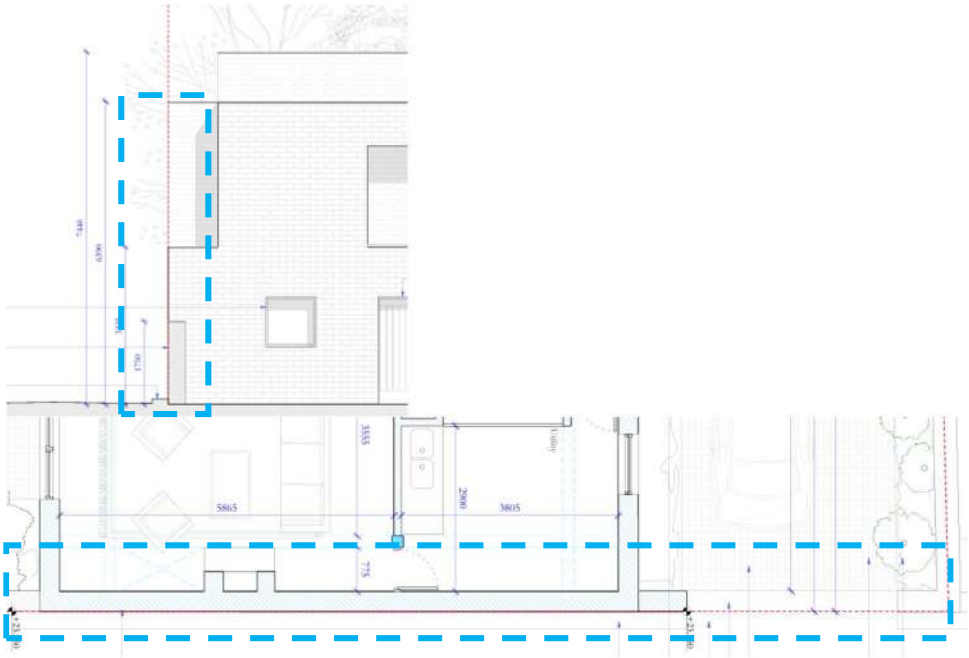


Fig. 67: Zero set-back to Beeches Park / 6 Station Road

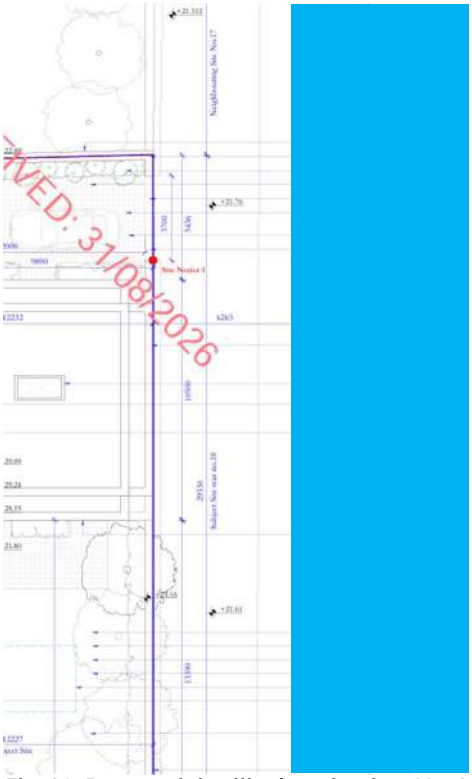


Fig. 68: Proposed dwelling's setback to No. 6 Station Road and its rear garden is <6m

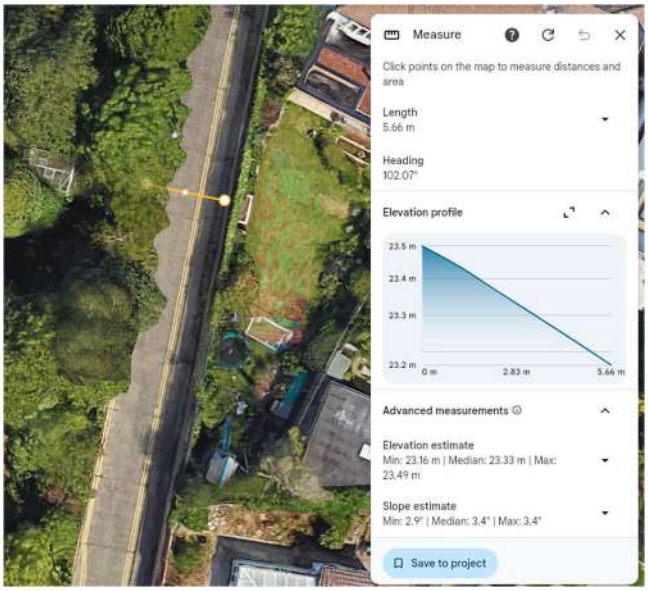


Fig. 69: Existing width of the laneway from the applicant's party boundary wall to No. 6's wall is approx. 5.66m



Fig. 70: No existing screening to clients' property at No. 6 – the party wall's height is 1.2m with temporary wooden fencing and some planting sited above this height

7.7.9 Conclusion

The proposal would seriously injure the residential and visual amenity of 6 Station Road by overbearing, overlooking, headlights, overshadowing that has not been measured, and construction on the lane. It is contrary to Objective A, PHP20, Section 12.3.7.6, the Compact Settlements Guidelines and the proper planning and sustainable development of the area. DLRCC's decision to grant permission does not properly assess these impacts, does not seek the missing studies, and does not resolve them by condition. An Coimisiún Pleanála is requested to refuse permission.

7.8 Ground 8: Context-less design quality of the Beeches Park elevation

The Design Statement says the house will "echo existing houses" through opening proportions and materials. The drawing is a two-storey, flat-roofed, painted box on the public party wall, with habitable windows and a vehicular entrance (also for pedestrian use) onto double yellow lines and no footpath on the applicant side of the lane, and with parking as the front garden. That is not an echo of Marlborough Road. It is a mews façade on a lane that the zoning map does not designate as a mews street.

DLRCC has granted permission for this elevation without issuing a request for further information and without imposing conditions that address its design quality, its relationship to the ACA, or its visual impact on Beeches Park and 6 Station Road. DLRCC's own Senior Executive Conservation Officer recommended refusal on the grounds that a two-storey house to the rear would not sensitively integrate with the established built character of the ACA and would fail to comply with Policy Objective HER13 and Section 12.11.4. No proper design or conservation assessment of the Beeches Park elevation was carried out before the decision was made. The grant of permission does not engage with that advice or with previous decisions of DLRCC and An Coimisiún Pleanála that have criticised precisely this form of development.

What DLRCC and the Commission have already criticised on this road

At No. 13 Marlborough Road (D21A/1057 / ABP-312909-22) Planning Inspector Hamilton found a two-storey rear house of 7.02 metres contained "no features of interest which reflect the location within a designated ACA." She recommended refusal because size, siting and the loss of trees would "significantly detract from the architectural character" of the ACA and would set an undesirable precedent. This house is taller (7.44 m), closer to the public boundary, and equally silent on ACA detailing. A flat roof and recessed corners do not supply the features Hamilton said were missing. The decision to grant permission ignores that finding.

Under planning application reg. ref. D26A/0359/WEB, DLRCC refused a compact contemporary house in an ACA as "contextually misplaced" and as architecturally disrupting the composition of the ACA (HER13, Section 12.11.4). The planner recorded visual dominance, visual incongruity and overdevelopment of a constrained site. The same vocabulary applies here: a flat-roofed two-storey form on a 1.2 metre wall line, on 0.036 hectares, with no set-back from the lane. The decision to grant permission for the current scheme is inconsistent with that refusal.

At D18A/0298 DLRCC refused demolition of a significant stretch of ACA boundary wall because it would detract from streetscape character. This application goes further. It does not only open a gate. It replaces the wall with the house. The decision to grant permission does not address that distinction.

The only permission the Commission granted on Beeches Park (D14A/0779 / PL06D.244544) was single storey, with a low ridge. Inspector Mannion treated that height as the character of the lane. A flat-roofed two-storey elevation is the opposite of that grant. The decision to grant permission seeks to reverse the ceiling that the Commission has already set for this lane.

Why the design is not acceptable

- ***No set-back:*** Section 12.3.7.5 / 12.3.7.7 of the CDP expect boundary treatments to be kept and new building to relate to adjacent dwellings. Building on the party line is maximum envelope, not design. The decision to grant permission does not require a set-back.

- ***Flat roof on a two-storey public frontage:*** The ACA pattern on Marlborough Road is pitched roofs, chimney stacks and planted edges. A parapet box on the lane is the form DLRCC called contextually misplaced while assessing reg. ref. D26A/0359. The decision does not require a design revision to address that incongruity.

- ***Windows and a vehicular entrance (also for pedestrian use) on the public wall:*** Habitable rooms address a carriageway with no footpath on the applicant side of the lane. That is neither passive surveillance of a street nor protection of 6 Station Road. It is glass on a pinch point. Conditions that reduce the entrance width to 3.5 m and lower the boundary treatment for visibility do not resolve the fundamental design defect of placing habitable windows and a public elevation on the lane wall.

- ***Parking as the side garden with no rear garden:*** The proposals want usable open space behind the building line to one side of the proposed dwelling. The lane elevation is a parking area with a house beside it with another area of garden to the other side which is not private in nature or design. The conditioned reduction to one space does not create a private rear garden or a set-back.

- ***No ACA language in the fabric:*** There is no granite wall retained as the face, no planted set-back, no single-storey eaves line to Beeches Park. Painted masonry and vertical windows do not convert that into Section 12.11.4 compliance. The conservation officer's recommendation for refusal confirms that the design does not meet the sensitive design approach required in an ACA.

The lane elevation would be visually dominant, visually incongruous and out of character with Beeches Park and with the Marlborough Road ACA. It repeats the design defects DLRCC and the Commission have already refused on this road: two storeys in the rear garden, building too close to boundaries, no ACA features, and loss of the enclosing wall. The decision to grant permission does not properly assess these defects, does not follow the recommendation of DLRCC's own conservation officer, and does not resolve them by condition. It is contrary to HER13, Section 12.11.4, Sections 12.3.7.6 and 12.3.7.7, and PHP20 of the CDP. An Coimisiún Pleanála is requested to refuse permission.

7.9 Ground 9: Surface water, the slope and building on the wall

The O'Reilly drainage report and the applicant's drawing 106 do not close out the issue of surface water on this site. The existing garden falls toward No. 18 and toward Beeches Park. A planted garden and a continuous wall now intercept and slow that water. The scheme would replace both with a house, parking and a gate on the party line. Hardstanding on the high side of the slope, with the wall gone, is a change in runoff path. Water that now soaks or sheds along the wall line would hit a façade and a dropped kerb opening, then the lane and, depending on falls, the residual garden of Warriston. That is a neighbour issue and a lane issue. It has not been modelled.

DLRCC has granted permission subject to Drainage Planning conditions that require surface water to be infiltrated locally to a soakaway designed to BRE Digest 365 with no overflow (or an alternative SuDS measure to be agreed if infiltration is not feasible) and permeable surfacing of hardstanding areas. Those conditions do not require:

- impermeable-area and runoff calculations for the house, parking and paving;
- attenuation volume, discharge rate and climate-change uplift;
- exceedance routes if the system surcharges - including toward No. 18 and toward Station Road;
- a statement of who maintains the SuDS;
- Uisce Éireann Confirmation of Feasibility for a new foul and water connection; ·
- demonstration that foundations and drainage on the party wall avoid DLRCC's half of the wall and services in the lane; or
- an assessment of the impact of the proposed tree loss on surface-water attenuation.

Permeable paving on a drawing and a soakaway condition are not that list. Chapter 10 / DLRCC SuDS policy and the four pillars (quantity, quality, amenity, biodiversity) are not discharged. Compliance submissions will be outside third-party review. The decision to grant permission therefore leaves the surface-water risks unassessed on the public file.

The following issues arise and remain unresolved:

- ***Building in place of the party boundary wall:*** A wall is a hydraulic edge as well as a heritage edge. Taking it down and putting a house on the line, with an opening at the pinch of the lane, concentrates flow at the weakest point: yellow lines, no footpath on the applicant side of the lane, a junction. If the lane already ponds, this makes it worse. The report does not say whether it ponds. The conditions do not require that analysis.

- ***ACA and trees:*** Excavation for drains and foundations in the root zones marked on drawing 107 is not assessed. Section 12.7.3 and HER13 apply to that work. The conditions do not address it.

Until attenuation, exceedance, Uisce Éireann feasibility and the effect of losing the wall are on the public file, DLRCC cannot properly find that the scheme will not increase flood or surcharge risk on Beeches Park, Station Road or Warriston. The decision to grant permission does not supply that demonstration.



Fig. 72A: Existing falls - garden to No. 18 / to the lane



Fig. 72B: There are no existing surface/storm water drains to the front of the site on the laneway where the wall is to be removed

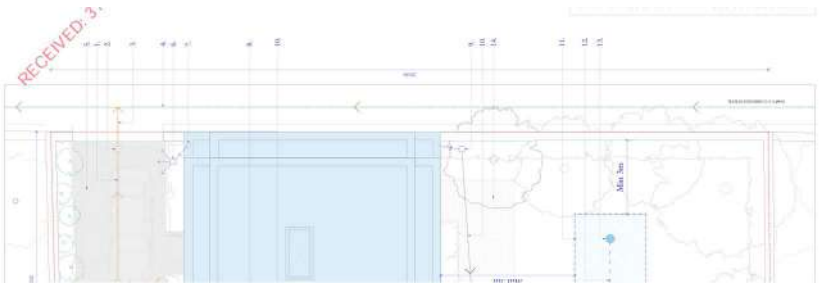


Fig. 73: No new storm/surface water drains are shown to the front of the applicant site despite the removal of the wall and the increase in hard surface area proposed

7.9.1 Surface water should be addressed for the entire existing property

The red line is only the new site. Subdivision creates two drainage catchments: the new house and parking on the high / lane side, and the residual garden of Warriston on the low side. The O'Reilly plan and drawing 106, if they stop at the red line, do not show how water behaves once the garden is cut. Drainage Planning conditions accept a red-line-only approach and do not require assessment of the residual garden

That matters here for four reasons:

- ***Falls:*** The land drops toward No. 18 and toward Beeches Park. A planted garden and a continuous wall now slow and spread that water. A house, parking and a gate on the high side change the path. Water that used to soak in the back of the garden can be thrown onto the new boundary, along the new façade, through the opening, or down onto the retained lawn. A red-line-only plan cannot demonstrate that Warriston is no worse off. The conditions do not require that demonstration.

- ***Two houses, one standard:*** Section 12.3.7.6 requires adequate private open space for both dwellings. A residual garden that ponds, or that takes a new overland route from the parking court, is not "adequate." The Plan's SuDS tests (quantity, quality, amenity, biodiversity) apply to the development as a whole, not only to the slice the applicant wants to build on.

- **The wall:** The wall is a hydraulic edge. Taking it down and putting a dropped kerb on the fall line is a change to how the lane and the residual garden receive water. If drawing 106 does not show exceedance routes across the new fence, toward No. 18 and toward Station Road, Chapter 10 is not discharged. The conditions do not require those routes.

- **Existing drains:** No. 18 already drains that garden. The file should show whether any pipe, soakaway or gully sits in the red line, whether it will be cut, and who owns what after subdivision. A plan that never leaves the red line cannot answer that. The conditions do not address it.

A red-line-only drainage drawing, even when conditioned for a soakaway, remains incomplete. The minimum that should have been on the public file for the entire existing property (not just the new red-line boundary area) is:

- pre- and post-development catchments for the whole former garden; ·
- impermeable area on the new plot and any new paving on the retained plot; ·
- attenuation, discharge rate and climate-change uplift; ·
- exceedance routes onto No. 18 and onto Beeches Park; and
- Uisce Éireann feasibility for the new connection; and ·
- a note on any shared or severed drainage serving Warriston.

Until that is shown, DLRCC cannot find that the scheme will not increase flood or surcharge risk on the retained house, the lane or Station Road. The decision to grant permission leaves these risks unassessed and outside third-party review. An Coimisiún Pleanála is requested to refuse permission.

7.10 Ground 10: Adverse precedents would be created by this planning application

BPS recently objected for clients to a planning application at a site of approximately 0.0155 Ha at The Lodge, No. 52 Monkstown Road, Monkstown, Blackrock, Co. Dublin, A94H7K7 under reg. ref. D26A/0359/WEB. This was a proposed development comprising of "The demolition of the existing single-storey dwelling (43 sq m); and the construction of a detached dwelling (143 sq m)" with "upgrade of the driveway/car parking space to include the provision of a motorised car turntable". The turntable was needed to allow cars to drive in in a forward direction and exit in a forward direction. There is no turntable in the current case. That makes the roads case worse, not better. Cars must turn on a lane that cannot take two-way passing, on double yellow lines, next to an electricity pole, a few metres from the Station Road junction, with no footpath on the applicant side of the lane. The file does not show that they can enter and leave in a forward direction. The likely result is reversing toward our clients' property - 6 Station Road.

DLRCC has granted permission subject to Transportation Planning conditions that reduce the number of car parking spaces from two to a maximum of one, reduce the width of the vehicular entrance from 3.7 m to a maximum of 3.5 m, require the front boundary treatment to be a maximum of 1.1 m in height for a minimum of 1 m either side of the entrance, and require measures to prevent mud and debris on the public road and to avoid conflict with pedestrian and vehicular movements during construction. Those conditions do not require:

- a swept-path analysis for a private car, a fire appliance or a refuse vehicle;
- measured visibility splays in both directions;

- a Road Safety Audit;
- demonstration that vehicles can enter and leave in a forward direction; or
- a Construction Management Plan that keeps construction traffic off Beeches Park and Station Road.

Transportation Planning itself noted that a tandem arrangement does not allow independent access and egress and that the restricted depth of the parking area risks a vehicle overhanging onto the public road. The conditioned reduction to one space redesigns the parking but does not demonstrate forward-in, forward-out or compliance with the lane-width standard in Section 12.3.7.6. Compliance submissions will be outside third-party review. The decision to grant permission therefore leaves the fundamental road-safety deficiencies unassessed on the public file.

In the above sections, BPS has already:

- Illustrated how the proposed opening in the party wall to the laneway sits on yellow lines, next to an electricity pole and the junction.
- Pointed out that the applicant has offered no swept-path analysis.
- Pointed out that the applicant has shown no visibility splays.
- Noted how pedestrians walk up and down the laneway on and off the footpath and cyclists also use the laneway.

The following concerns arise and remain unresolved by the decision and its conditions:

- ***The lane:*** Section 12.3.7.6 of the Development Plan requires a lane width of 3.7 m (not less than 3.1 m at a pinch) so that a fire tender or refuse vehicle can pass. Beeches Park at this point is a pinch. Yellow lines already say there is no spare width. A new dropped kerb and parking spaces eat what little remains. No swept-path for a car, a fire appliance or a refuse truck is on the file. The conditions do not require one.

- ***Visibility and the electricity pole:*** A new entrance onto a public road needs sightlines appropriate to speed and width (Chapter 5 / Chapter 12, DMURS, DMRB). The file has none. An electricity pole sits immediately south of the proposed opening. The junction sits immediately north. Forward visibility along the lane and visibility for a driver leaving the site have not been measured. The conditioned reduction in boundary height for 1 m either side of the entrance does not supply measured splays or address the pole. Planning permission for a gate is not roads-authority consent for works in the public road, to the lighting column or to the half of the wall that is DLRCC's.

- ***Pedestrians:*** There is no usable footpath on the applicant side of the lane. Residents, children and visitors walk in the carriageway. A new conflict point at the pinch, with reversing cars, fails DMURS. Construction would put hoarding and deliveries into the same space. The conditions require measures to avoid conflict during construction but do not require a Construction Management Plan or an assessment of operational pedestrian safety.

- ***Parking as overspill:*** Even one space does not prove parking demand stays on site. Visitors, deliveries and a second car will use Station Road and the lane. Yellow lines do not stop that. They just move the conflict to the junction outside 6 Station Road. The conditioned reduction to one space does not address overspill.

- ***Congestion:*** One car waiting to enter and one waiting to leave will block Beeches Park and back onto Station Road. That is the layout, not a worst case. The conditions do not require a demonstration that the arrangement avoids this.

- ***Construction traffic:*** No construction access via Marlborough Road through No. 18 is shown. Default is the lane. HGVs at this junction are a safety issue in their own right. The conditions do not require a Construction Management Plan that keeps plant off the pinch.

- ***Policy:*** The scheme is contrary to Section 12.3.7.6 (lane width and emergency access), Chapter 5 / 12 access standards, DMURS, PHP20 (amenity of 6 Station Road), and the requirement that piecemeal new accesses on back lanes not be encouraged of the Development Plan. The decision to grant permission does not resolve these conflicts.

A house that cannot show a safe in-and-out, a legal roads consent and a lane that works should be refused. The Transportation Planning conditions redesign elements of the access and parking outside third-party review but do not supply the missing assessments or demonstrate compliance with the Development Plan standards. An Coimisiún Pleanála is requested to refuse permission.

7.11 Ground 11: Depreciation in the value of adjoining properties

Our clients are concerned that the proposed development would seriously injure the amenities and depreciate the value of their property. The potential impact that a proposed development can have on an adjoining property is recognised by the Planning Acts which include a reason for refusal reason 10 (c) of the Fourth Schedule 'Reasons for the Refusal of Permission which Exclude Compensation' of the Planning Acts 2000-2015:

> *10. In the case of development including any structure or any addition to or extension of a structure, the structure, addition or extension would— (c) seriously injure the amenities, or depreciate the value, of property in the vicinity.*

Our clients submit that this reason for refusal is appropriate in this case.

7.12 Ground 12: Construction phase concerns – issued without prejudice

These points are without prejudice. They do not mean that any part of the scheme is acceptable. The correct decision is refusal.

DLRCC has granted permission without issuing a request for further information and without imposing conditions that require a Construction Environmental Management Plan, a construction traffic route via Marlborough Road, a scaffolding/over-sailing method, or consent to work on the half of the wall that is understood to be DLRCC's. Transportation Planning conditions require measures to prevent mud, dirt and debris on the public road and to avoid conflict with pedestrian and vehicular movements during construction, but they do not require the detailed method, access route or monitoring set out below. Compliance will be outside third-party review. The construction-phase injury to 6 Station Road and to Beeches Park therefore remains unassessed on the public file.

7.12.1 There is no construction method on the file

There is no Construction Environmental Management Plan, no construction traffic route, no scaffolding or over-sailing method, and no consent to work on the half of the wall that is understood to be DLRCC's. The default access is Beeches Park and Station Road. That is our clients' frontage. A condition requiring a CEMP after grant leaves the injury off the public file.

At minimum, before any grant:

- A ground-condition report for the red line, the remaining wall and the lane.
- A method for taking down the wall that does not undermine DLRCC's half or services in the carriageway.
- Proof that the lane elevation can be built without scaffolding, hoarding or over-sailing on the public road or toward 6 Station Road. If it cannot, the house is sited too close.
- All plant, deliveries and worker parking to use Marlborough Road through No. 18, not Beeches Park, unless DLRCC as roads authority agrees a documented alternative.
- Indemnity for 6 Station Road and for DLRCC wall against vibration, movement and debris.
- Dust, mud and wheel-wash controls at the junction.
- Protection of any trees not already marked for removal, and of roots under the lane.

The decision to grant permission does not require any of these items. A post-permission condition that the applicant "agree measures later" leaves the construction method, the access route and the risk to 6 Station Road and to DLRCC's wall outside third-party review.

7.12.2 Hours

6 Station Road is a quiet frontage. Our clients work from home in part. If permission were ever granted, construction and deliveries should be limited to 08:00–18:00 Monday to Friday and 09:00–14:00 on Saturday, with no work on Sundays or bank holidays and no "special" deliveries outside those hours.

The decision to grant permission does not impose these hours. They remain unsecured.

7.12.3 Complaints

The application has no liaison number and no complaints procedure. Any permission should name a person who can be reached during working hours, with a written process if noise, vibration, blocked access or damage is not stopped the same day.

The decision to grant permission does not require a liaison contact or complaints procedure.

7.12.4 The party wall and vibration

The house is designed onto the wall. Demolition, excavation and building on that line can move the remaining fabric and the carriageway. There is no baseline vibration survey. Tell-tales and vibration monitoring on the wall and at 6 Station Road should be in place before demolition starts. Works should stop if movement exceeds the structural engineer's agreed limit.

The decision to grant permission does not require a baseline vibration survey, tell-tales or monitoring. The risk of movement to the wall and to 6 Station Road remains unassessed.

7.12.5 Noise

There is no baseline and no prediction. Breaking out the wall, excavation and frame erection at a few metres from 6 Station Road will be a significant, short-term, adverse change from the present quiet lane. The file offers no barriers, no envelope to scaffolding, and no stop level. If ACP were to grant, works within 10 metres of 6 Station Road should not proceed without a scheme that keeps construction noise at the facade below a specified LAeq, with live monitoring and an automatic stop if that level is broken.

The decision to grant permission does not require a baseline noise survey, barriers, an envelope to scaffolding or a stop level. The noise impact on 6 Station Road remains unassessed.

7.12.6 Conclusion

Construction is part of the PHP20 injury. The site has no other public frontage. The wall is partly DLRCC's. None of that is designed. DLRCC's decision to grant permission does not require a Construction Management Plan, an access route via Marlborough Road, vibration or noise monitoring, or consent for works to the public wall. Transportation Planning conditions address only mud, debris and general conflict avoidance; they do not resolve the method, the access or the monitoring. Conditions cannot invent an access that does not exist or a method that needs land the applicant does not control. An Coimisiún Pleanála is requested to refuse permission.

8.0 Conclusion

This application is for a two-storey, 7.44 metre, four-bedroom house on a 0.036 hectare slice of the rear garden of Warriston, No. 18 Marlborough Road, with a new gate and parking spaces on Beeches Park, in the Marlborough Road Architectural Conservation Area. Grace O'Regan and Simon Mills occupy 6 Station Road, immediately east of the rear garden of No. 18, at the pinch where Beeches Park meets Station Road. They are the household that would live with the applicant's eastern elevation, windows, the headlights from cars passing in and out, and the works. Sinéad Reihill occupies Inver on Marlborough Road and shares a boundary with the application site.

Objective A requires residential amenity to be protected. PHP20 requires the same where existing homes adjoin more intense infill. Section 12.3.7.6 requires a confined backland house to be generally single storey, 22 metres from facing first-floor windows, with 60 sq.m of private open space exclusive of parking for each four-bed house, and a lane 3.7 metres wide that can take a fire tender. PHP22 does not apply. Beeches Park is not a mapped mews lane. HER13 and Section 82 require the ACA to be preserved or enhanced. The Compact Settlements Guidelines require historic character and existing occupiers to be protected and impacts to be reasoned.

None of those tests is met. DLRCC has nonetheless granted permission without issuing a request for further information and without imposing conditions that resolve the deficiencies. DLRCC's own Senior Executive Conservation Officer recommended refusal on the grounds that a two-storey house to the rear would not sensitively integrate with the established built character of the ACA and would fail to comply with Policy Objective HER13 and Section 12.11.4. The decision to grant permission is inconsistent with that advice, with previous decisions of DLRCC and of An Coimisiún Pleanála, and with the Development Management Guidelines for Planning Authorities (June 2007). Conditions that reduce parking from two spaces to one, the entrance width to a maximum of 3.5 m, and the height of the front boundary treatment redesign elements of the scheme by compliance, outside third-party review. There is now no clear understanding of what form of development will be built.

The house is taller than the two-storey rear house DLRCC and Inspector Hamilton refused at No. 13 Marlborough Road (D21A/1057 / ABP-312909-22). It sits on the public wall, not off it. The applicant's own separation to No. 18 is 20 metres. Open space for both houses after parking is not tabulated. There is no swept-path, no visibility splay, no roads consent for works to a wall that is partly DLRCC's, and no demonstration that cars can leave in a forward direction. Pedestrians on the application-site side of Beeches Park already walk in the carriageway. The only footpath is on the opposite side. Construction would use the same pinch.

The Design Statement's claim of "no effect" on the ACA is not an assessment. There is no conservation report and no arborist report. Drawing 107 marks trees for removal. The wall that encloses the garden would be replaced by a flat-roofed two-storey façade with windows onto yellow lines. The Commission has previously held that generous plots, trees and hedging are the character of these gardens, that ACA tests are more onerous than ordinary infill, and that national guidance restricts infilling gardens. DLRCC's 2026 refusal under reg. ref. D26A/0359 treated demolition of an ACA boundary wall as a standalone reason. This scheme goes further. The conservation officer's recommendation for refusal underscores that gap.

Likely impacts on 6 Station Road have not been assessed by the applicant. There is no BRE 209 pack, no verified view from the front of that house, and no lighting or noise note for a parking court aimed at their rear garden and rear elevation. SunCalc diagrams prepared for this appeal show additional afternoon and evening shadow toward the junction on the BRE dates. Overlooking is not theoretical. Ground-floor openings would sit on the party wall. First-floor windows would face the lane. Grace and Simon would have the only juxtaposition of this kind. PHP20 does not ask them to accept surveillance so that one garden can be split. The decision to grant permission does not require those assessments.

Drainage is red-line only. The garden falls toward No. 18 and toward the lane. Losing the wall and adding hardstanding on the high side changes the path of water. There is no Uisce Éireann Confirmation of Feasibility and no exceedance route onto the retained garden or onto Station Road. Drainage Planning conditions require a soakaway or alternative SuDS measure but do not close out these risks. Compliance will be outside third-party review.

A grant would be the first two-storey Beeches Park house from a Marlborough Road garden in this ACA, the first replacement of this wall with a building, and the first new access of this kind at the Station Road pinch. Section 12.3.7.6 says piecemeal backland with multiple new gates will not be encouraged. Fourth Schedule reason 10(c) recognises serious injury to amenity and depreciation of value. Both arise here. The decision to grant permission creates the adverse precedent that previous decisions have sought to avoid.

The covering letter describes a small compact house. The drawings describe overdevelopment of a garden that was never a building plot, on a lane that was never a mews street. That is contrary to Objective A, PHP20, PHP22, Sections 12.3.7.6, 12.3.7.7, 12.3.7.9, 12.7.3 and 12.11.4, HER13, the Compact Settlements Guidelines, and the proper planning and sustainable development of the area.

An Coimisiún Pleanála is asked to refuse permission.

9.0 Recommendation

Having regard to the Dún Laoghaire-Rathdown County Development Plan 2022–2028, to the Compact Settlements Guidelines for Planning Authorities (2024), to Section 82 of the Planning and Development Act 2000, to the planning history of Beeches Park and Marlborough Road (including D14A/0779, D21A/1057 / ABP-312909-22, D18A/0298 and, on ACA wall loss, D26A/0359/WEB), to the relationship of the site with 6 Station Road, to the recommendation of DLRCC's own Senior Executive Conservation Officer, and to the deficiencies in DLRCC's decision to grant permission without further information or adequate conditions, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area. An Coimisiún Pleanála is asked to refuse permission.

9.2 Recommended reasons for refusal

BPS recommends that An Coimisiún Pleanála refuse permission for the reasons set out below:

1. Having regard to Zoning Objective A, to Policy Objective PHP20, and to Section 12.3.7.6 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, it is considered that the proposed two-storey dwelling, 7.44 metres in height, sited on the Beeches Park boundary of a confined backland plot of approximately 0.036 hectares, would constitute overdevelopment of the site. The Development Plan requires such development generally to be single storey, to provide a separation of not less than 22 metres where first-floor habitable windows face the existing dwelling, to provide not less than 60 sq.m of private open space exclusive of parking for each four-bedroom house, and to be served by a lane of 3.7 metres in width (3.1 metres at a pinch) capable of accommodating a fire tender or refuse vehicle. The proposed development fails those standards. It would seriously injure the residential amenity of 6 Station Road and of Beeches Park and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its height, scale, massing, flat-roofed two-storey form and siting on the public party wall of Beeches Park, would be visually dominant, visually incongruous and out of character with the established pattern of development on the lane. Beeches Park is not indicated on the zoning map as a mews lane. Policy Objective PHP22 and Section 12.3.7.9 do not apply. The only permission granted for a house with access from this lane (D14A/0779) was single

storey and was not implemented. A two-storey house of 7.02 metres in the rear garden of No. 13 Marlborough Road was refused under D21A/1057 / ABP-312909-22. The proposed development would fail to respect the height and massing of existing residential units and would fail to retain boundary walls, trees and landscaping as required by Section 12.3.7.7. It would be contrary to Policy Objectives PHP20 and PHP42 and to the proper planning and sustainable development of the area. Even if the Commission were to consider the scheme as conditioned under Condition 2, permission should still be refused. The conditioned development has never been drawn, dimensioned or assessed. It has not been shown to meet the single-storey expectation, 22 m separation, 60 m^2 private open space (exclusive of parking) for each four-bed house, or other requirements of Section 12.3.7.6, nor to preserve or enhance the ACA under HER13 and Section 82. Leaving the redesign to post-permission agreement removes it from third-party scrutiny and from proper determination by the planning authority. The decision to grant permission in this form is contrary to the Development Management Guidelines and to the proper planning and sustainable development of the area

3. The site is located within the Marlborough Road Architectural Conservation Area. The proposed development would subdivide an ACA garden, remove trees, and replace a continuous boundary wall to Beeches Park with a two-storey building elevation and a new vehicular opening. No conservation appraisal or arboricultural survey has been submitted. Having regard to Section 82 of the Planning and Development Act 2000, to Policy Objectives HER13, HER14, HER20 and HER21, to Section 12.11.4 and Section 12.7.3 of the Development Plan, and to the findings of the Inspector in ABP-312909-22 that the special character of these plots includes generous gardens, mature trees and hedging and that national guidance restricts the infilling of gardens in ACAs, it is considered that the proposed development would not preserve or enhance the character of the ACA. DLRCC's own Senior Executive Conservation Officer recommended refusal on these grounds. The proposed development would set an undesirable precedent for further such development on Beeches Park. It would therefore be contrary to the proper planning and sustainable development of the area.

4. The proposed vehicular entrance and parking spaces, located on double yellow lines, adjacent to a lighting column, close to the junction of Beeches Park and Station Road, and on a lane with no usable footpath on the applicant side, have not been shown to be safe. No visibility splays, no swept-path analysis for a private car, fire tender or refuse vehicle, and no consent from the planning authority as roads authority for works in the public road or to a wall understood to be partly in the ownership of DLRCC, are on the file. Cars have not been shown to enter and leave in a forward direction. Transportation Planning conditions reduce parking to one space and the entrance width to 3.5 m but do not require the missing assessments. The proposed development would endanger public safety by reason of traffic hazard, would seriously injure the amenity of 6 Station Road, and would be contrary to Section 12.3.7.6, Chapters 5 and 12 of the Development Plan, DMURS, and the proper planning and sustainable development of the area.

5. It has not been demonstrated that the proposed development would not seriously injure the residential amenities of 6 Station Road by reason of overbearing, overlooking, perception of overlooking, headlights and vehicle noise from parking on the public boundary, overshadowing, and construction on the lane. No BRE 209 assessment of that property has been submitted. The Compact Settlements Guidelines for Planning Authorities (2024), including sections 3.4.2, 5.3.7 and 5.9.1, require existing occupiers to be protected and impacts to be quantified. The decision to grant permission does not require those assessments. The proposed development would be contrary to Zoning Objective A, Policy Objective PHP20 and the proper planning and sustainable development of the area.

6. The surface-water and drainage particulars relate to the red-line cell only and do not address the residual garden of No. 18, exceedance routes toward that house and toward Beeches Park, climate-change uplift, long-term maintenance, or Confirmation of Feasibility from Uisce Éireann. The garden falls toward No. 18 and toward the lane. Removal of the boundary wall and introduction of hardstanding on the high side of that fall have not been modelled. Drainage Planning conditions require a soakaway or alternative SuDS measure but do not close out these risks. The proposed development would be contrary to Chapter 10 of the Development Plan and to the proper planning and sustainable development of the area.

7. The proposed development would seriously injure the amenities, and depreciate the value, of property in the vicinity, including 6 Station Road, and would therefore be contrary to the proper planning and sustainable development of the area (Fourth Schedule, reason 10(c), Planning and Development Act 2000).

8. The proposed development, by reason of its siting, design and access, would set an undesirable precedent for two-storey garden infill on Beeches Park, for the replacement of ACA boundary walls with buildings, and for piecemeal new vehicular accesses on a confined lane, contrary to Section 12.3.7.6 of the Development Plan and to the proper planning and sustainable development of the area. DLRCC's decision to grant permission creates that precedent, contrary to previous decisions

of DLRCC and of An Coimisiún Pleanála and contrary to the recommendation of its own conservation officer.

9.2 Observations on the absence of further information

The correct decision was refusal. DLRCC has granted permission without seeking further information. The list below records the minimum that should have been required before any decision to grant could properly be considered. It is set out to demonstrate the scale of the deficiencies that remain unaddressed. Several of those items go to the principle of the scheme. They cannot lawfully be left to condition. Compliance submissions are outside third-party review. The decision to grant permission without these items is contrary to the Development Management Guidelines for Planning Authorities (June 2007) and to proper planning practice.

The proposal is a two-storey house on a 0.036 hectare ACA garden, on the public wall of a lane that is not a mapped mews street, opposite 6 Station Road, with no neighbour study, no conservation report, no tree survey, no swept-path and no roads consent. That is not a scheme that needs a note on a drawing. It is a scheme that needs to be taken apart. Substantial further information on this scale should have been sought and, if necessary, re-advertised. Several items go to the principle of development. They cannot lawfully be left to condition.

Redesign that meets Section 12.3.7.6 of the CDP: Omit the first floor facing Beeches Park, or omit the house in favour of a true single-storey form set off the public wall. Submit full plans, elevations and sections showing:

- height not exceeding a single storey to the lane.
- 22 metres from first-floor habitable windows to the rear of No. 18, or no such windows.
- 60 sq.m of usable private open space, exclusive of parking, for the new house and for No. 18 after subdivision, dimensioned on plan.
- the Beeches Park wall repaired and retained as the face of the plot, with any opening limited to a single gate.

A two-storey dwelling sited on the party wall on a thin laneway opposite 6 Station Road cannot be "revised" into compliance:

- ***Conservation appraisal and ACA drawings***: An independent Heritage Impact Assessment of the Marlborough Road ACA, addressing subdivision of the garden of No. 18, loss of trees, and replacement of the lane wall with a building. Demonstrate, with reference to Section 82, HER13, HER14, Section 12.11.4 and the Character Appraisal, how the scheme would preserve or enhance the ACA. The Design Statement's sentence that gardens and walls are "not listed" is not that assessment. The conservation officer's recommendation for refusal confirms the gap.

- ***Boundary wall and roads-authority consent:*** Detailed drawings of every part of the Beeches Park wall to be demolished, altered or rebuilt. Identify ownership. Submit written consent from DLRCC as roads authority where the wall, footway, lighting column or carriageway is affected. Alternatives showing retention and repair of the wall must be on the file. Planning permission for a house is not that consent.

- ***Trees:*** A BS 5837 survey of every tree on the red line, on the retained garden of No. 18 and on the lane, with root-protection areas, a method statement, and a plan that does not rely on trees marked for removal on drawing 107 as "screening."

- ***Visual impact from 6 Station Road:*** Verified photomontages from the front of 6 Station Road, from the Station Road / Beeches Park junction looking south, and from Beeches Park looking north. Contiguous elevations and a section through the lane to our clients' house, showing true levels and the 7.44 metre ridge. The Design Statement VIA does not include those views.

- ***Daylight, sunlight and overlooking:*** A full BRE 209 / IS EN 17037 neighbour pack for 6 Station Road: VSC, APSH, 21 March sun-on-ground, window-by-window and garden figures, before and after. A window schedule for every opening that faces the lane or the north. Headlight paths from the parking spaces. Absence of this pack is why PHP20 cannot be signed off.

- ***Roads, parking and pedestrians:*** Swept-paths for a private car entering and leaving in a forward direction, for a fire tender and for a refuse vehicle. Measured visibility splays in both directions. A drawing that shows how pedestrians who now walk in the carriageway are protected. A Stage 1 Road Safety Audit. Confirmation that parking plus visitor and delivery demand will not overspill onto Station Road. Transportation Planning conditions reduce parking and entrance width but do not require these assessments.

- ***Bat survey:*** A preliminary bat roost assessment of the trees marked for removal on drawing 107, and confirmation that removal will not take place in the bird nesting season without a nest check.

- ***Drainage for the whole garden of No. 18:*** Not a red-line-only plan. Pre- and post-development catchments for the entire former garden. Attenuation volume, discharge rate, climate-change uplift, exceedance routes onto No. 18 and onto Beeches Park, SuDS maintenance, and Uisce Éireann Confirmation of Feasibility for new connections. Model the loss of the wall as a hydraulic edge. Drainage Planning conditions require a soakaway or alternative but do not close out these matters.

- ***Construction method that does not use the pinch:*** A Construction Environmental Management Plan showing access from Marlborough Road through No. 18, no scaffolding or over-sailing on Beeches Park or toward 6 Station Road, vibration monitoring of the party wall, hours, dust, and a named complaints contact. If the lane elevation cannot be built without the public road, the house is too close. Transportation Planning conditions address only general conflict avoidance.

- ***Precedent and piecemeal access:*** A statement of how a grant would sit with the decisions made by DLRCC under reg. refs. D21A/1057 / ABP-312909-22, with D14A/0779, and with Section 12.3.7.6 on amalgamation and on multiple new gates. There is no comprehensive backland scheme for the Marlborough Road gardens.

Why this list points to refusal

Each heading is a hole in the lodged file. Together they amount to a different development: lower, off the wall, assessed for 6 Station Road, assessed for the ACA, safe on the lane, drained for both houses. DLRCC should not have granted permission and left these matters to compliance conditions. The application as submitted is not a near-miss. It is the wrong house, on the wrong line, on the wrong lane. An Coimisiún Pleanála is asked to refuse permission.

Brendan Byrne Buck

BPS Planning Consultants LTD
Members of the Irish Planning Institute
18 November 2026

BPS
Planning & Development
Consultants

M 087 261 5871
T 01 539 4960
E info@bpsplanning.ie
W www.bpsplanning.ie

PO Box 13658
Dublin 14

Objection lodged via the online DLRCC web portal

The Secretary,
Planning Department,
Dun Laoghaire-Rathdown Co. Co.
Marine Road,
Dun Laoghaire,
County Dublin.

29 September 2026

Dear Sir/Madam,

Third Party Planning Objection in respect of Dun Laoghaire-Rathdown County Council planning application, reg. ref. D26A/0651/WEB, which refers to proposed development described in the statutory notices as follows: "The development will consist of the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house, and new vehicular entrance in the existing boundary wall with two off-street car parking spaces with access via 'Beeches Park', and associated hard and soft landscaping and SuDS drainage. The site is located in the backlands of No. 18 Marlborough Road and is located in an Architectural Conservation Area" at Beeches Park, to rear of No. 18 Marlborough Road, Glenageary, Dublin.

BPS Planning and Development Consultants Ltd, a firm of Irish Planning Institute accredited town planning and development consultants, has been retained by Grace O'Regan and Simon Mills of 6 Station Road, Glenageary, Co. Dublin (hereafter "clients") to make a planning objection on their behalf against Dun Laoghaire-Rathdown County Council (hereafter "DLRCC") planning application, reg. ref. D26A/0651/WEB. The development, located at a very small backland site of approximately 0.036 ha to the rear of No. 18 Marlborough Road, Glenageary, Dublin, is described in the statutory notices as set out above.

This planning application was lodged to DLRCC on 31 August 2026; therefore, **the final date for submission of this planning objection is 5 October 2026.** This objection is submitted on or prior to this deadline.

Our clients wish to confirm that they have not agreed to any part of this development or to any of the impacts that it would have on their property and/or on their area. Our clients maintain several significant planning concerns/grounds for objection in respect of this planning application. These are set out in turn in Section 7.0 'Grounds for objection' of this report.

For the convenience of the DLRCC, in the attached Planning Objection Report, BPS has: (i) Outlined the existing development context; (ii) Set out the proposed development: (iii) Reviewed the planning history of the application site; (iv) Set out the context for the proposed development; (v) Carried out a relevant planning policy assessment of the proposed development; and (vi) Set out grounds for objection. These details are set out below.

For the purposes of validation of this objection, please find attached:

(1) The €20 fee payable for a 3rd party objection;

(2) A Planning Objection Checklist Form; and

(3) A Planning Objection Report setting out our clients' Grounds for Objection.

If you require any further details, please contact BPS at the address provided.

With best wishes,

Brendan Byrne Buck

Brendan Byrne Buck
Managing Director
BPS Planning & Development Consultants LTD

BPS
Planning & Development
Consultants

Third Party Planning Objection Check List

1. Name of the Objector: Grace O'Regan and Simon Mills.

2. Address of the Objector: 6 Station Road, Glenageary, Co Dublin.

3. If an agent is involved, state the name of the agent: Brendan Byrne Buck.

4. Address of the agent: BPS Planning & Development Consultants Ltd., PO Box 13658, Dublin 14, D14 NY27.

5. State the Subject Matter of the Objection: Third Party Planning Objection in respect of Dun Laoghaire-Rathdown County Council planning application, reg. ref. D26A/0651/WEB, which refers to proposed development.

6. Brief description of the Development: Described in the statutory notices as follows: "The development will consist of the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house, and new vehicular entrance in the existing boundary wall with two off-street car parking spaces with access via 'Beeches Park', and associated hard and soft landscaping and SuDS drainage. The site is located in the backlands of No. 18 Marlborough Road and is located in an Architectural Conservation Area".

7. Location of development: Beeches Park, to rear of No. 18 Marlborough Road, Glenageary, Dublin.

8. Name of planning authority: Dun Laoghaire-Rathdown County Council.

9. Planning authority register reference number: Reg. Ref. D26A/0651/WEB.

10. Attach, in full, the grounds for objection and the reasons, considerations and arguments on which it is based. Please find a Planning Objection Report attached.

11. Enclose/Pay the correct fee for the **Third** Party Objection: €20.

12. Ensure that the OBJECTION is received by Dun Laoghaire-Rathdown County Council in the **correct manner** and in **time**. This planning application was lodged to DLRCC on 31 August 2026; therefore, the final date for submission of this planning objection is **5 October 2026**. This objection is submitted on or prior to this deadline.

BPS
Planning & Development
Consultants

Third Party Planning Objection Report

Third Party Planning Objection in respect of Dun Laoghaire-Rathdown County Council planning application, reg. ref. D26A/0651/WEB, which refers to proposed development described in the statutory notices as follows: "The development will consist of the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house, and new vehicular entrance in the existing boundary wall with two off-street car parking spaces with access via 'Beeches Park', and associated hard and soft landscaping and SuDS drainage. The site is located in the backlands of No. 18 Marlborough Road and is located in an Architectural Conservation Area" at Beeches Park, to rear of No. 18 Marlborough Road, Glenageary, Dublin.

This Planning Objection Report has been produced by BPS Planning & Development Consultants Ltd for and on behalf of Grace O'Regan and Simon Mills of 6 Station Road, Glenageary, Co. Dublin.

Document Control Sheet

Project	Third Party planning objection in respect of Dun Laoghaire-Rathdown County Council planning application, reg. ref. D26A/0651/WEB.
Project No.	2026 – 488
Document title	Planning Objection Report

Contents	No. of pages
Cover page	1
Control sheet	1
Table of contents	2
Text	67
Total No. of Pages	71

Rev.	Distribution	Author	Checked	Approved	Day	Month	Year
1	Client	EB	FB	BB	16	9	2026
2	Client	EB	FB	BB	18	9	2026
3	Client	EB	FB	BB	29	9	2026
4	Dun Laoghaire-Rathdown Co. Co.	EB	FB	BB	29	9	2026

BPS Planning & Development Consultants LTD
PO Box 13658, Dublin 14, D14NY27
Tel: 01 539 4960 / 087-2615871
Email: info@bpsplanning.ie
Web: www.bpsplanning.ie

This document has been prepared for the exclusive use of our Client and unless otherwise agreed in writing with BPS Planning & Development Consultants LTD, no other party may use, make use of, or rely on the contents of this document. The document has been compiled using the resources agreed with the Client, and in accordance with the agreed scope of work. BPS Planning & Development Consultants LTD accepts no responsibility or liability for any use that is made of this document other than for the purposes for which it was originally commissioned and prepared, including by any third party, or use by others, of opinions or data contained in this document. BPS Planning & Development Consultants LTD accepts no liability for any documents or information supplied by others contained or referenced in this document. It is expressly stated that no independent verification of any documents or information supplied by others for this document has been made. BPS Planning & Development Consultants LTD has used reasonable skill, care, and diligence in compiling this document. It should be noted that no changes of whatsoever nature are to be made to any wording, information or details set out or contained in any BPS document unless the express consent has been obtained in advance, in writing, from BPS.

Date: 29 September 2026

Contents

1.0 Introduction

1.1 Objection fee
1.2 Rationale for & summary of objection

2.0 Site location and description

2.1 Site location & description relative to the clients' property (6 Station Road)
2.2 The existing house, the garden and the ACA - no assessment

3.0 Proposed development

3.1 The proposed development relative to clients' property

4.0 Technical/planning law concerns with this planning application

4.1 Red line boundary concerns
4.2 Blue line boundary concerns
4.3 Incomplete development description and defective site notice
4.4 Works to a structure and its setting in an ACA
4.5 Beeches Park wall – DLRCC ownership, no consent, & a notice that conceals the works
4.6 Technical roads concerns
4.6.1 New access onto a public lane - roads authority
4.6.2 Visibility splays and safe entry and exit
4.6.3 Cars cannot be shown to enter and leave in a forward direction
4.6.4 Pedestrian safety - yellow lines and no footpath on the applicant side of the lane
4.6.5 Construction-phase access is not designed
4.7 Missing assessments the location requires
4.8 Water and Drainage issues
4.8.1 No evidence of an Uisce Éireann connection enquiry
4.8.2 Drainage report does not close out the lane sewer
4.8.3 Attenuation and SuDS are not shown to the Development Plan standard
4.9 Private open space for both dwellings is not demonstrated
4.10 Conclusion on technical and procedural issues

5.0 Zoning & designations

6.0 Planning history

6.1 The application site
6.2 Pattern on Beeches Park and Marlborough Road
6.2.1 No. 16 obtained permission in 2014 for a single storey dwelling
6.3 Refusal at 13 Marlborough Road - D21A/1057 / ABP-312909-22 (Crevamor)
6.4 The applicant's Design Statement's claimed precedents do not exist
6.5 Other DLRCC and Commission refusals of two-storey backland / lane housing
6.6 History conclusion

7.0 Grounds for objection

7.1 Ground 1: The principle of this house on this lane should not be accepted

7.2 Ground 2: The proposal is contrary to planning & conservation policy

7.2.1 Section 82, the Architectural Heritage Protection Guidelines (2011) and HER13
7.2.2 Development Plan policies and objectives relevant to this case
7.2.3 Instances of non-compliance
7.2.4 Conclusion on Ground 2

7.3 Ground 3: The proposal is contrary to planning policy

7.3.1 How the policies are to be read
7.3.2 Compact Settlements Guidelines 2024
7.3.3 Dun Laoghaire-Rathdown Development Plan 2022-2028

7.3.3.1 Policy Objective PHP20 — Protection of Existing Residential Amenity
7.3.4 Section 12.3.7.6 - Backland Development
7.3.5 PHP22 and Section 12.3.7.9 - Mews
7.3.6 Policy Objective HER13 - Architectural Conservation Areas
7.3.7 Building Height Strategy and PHP42
7.3.8 Section 12.3.7 - general residential criteria
7.3.9 Climate and landscape policies
7.3.10 Rebuttal of the covering letter (28 August 2026) and Design Statement policy case
7.3.11 Conclusion on the policy grounds

7.4 Ground 4: Siting, height, scale, mass, bulk and design

7.4.1 Height and scale
7.4.2 Siting - on the party wall and as close as possible to our clients
7.4.3 Mass and bulk
7.4.4 Overdevelopment
7.4.5 Design in the ACA
7.4.6 Visual impact and missing views
7.4.7 Overbearing toward 6 Station Road
7.4.8 Private open space
7.4.9 What would comply
7.4.10 Conclusion on Ground 4

7.5 Ground 5: Injury to the residential amenity of 6 Station Road

7.5.1 Adverse overbearing
7.5.2 Visual intrusion and obstruction - 6 Station Road
7.5.3 Overlooking, privacy and surveillance - 6 Station Road
7.5.4 Residual daylight, sunlight and overshadowing impacts
7.5.4.1 What the diagrams show
7.5.5 Headlights, vehicle noise and the siting of the parking
7.5.6 Construction-phase impacts on 6 Station Road
7.5.7 Operational phase matters not addressed - Bins, lighting and night use of the opening
7.5.8 Inadequate separation and no screening on the applicant's land
7.5.9 Conclusion

7.6 Ground 6: Context-less design quality of the Beeches Park elevation

7.7 Ground 7: Harm to the Marlborough Road Architectural Conservation Area

7.7.1 Trees / wildlife

7.8 Ground 8: Surface water, the slope and building on the wall

7.8.1 Surface water should be addressed for the entire existing property

7.9 Ground 9: Roads, access, parking and safety on Beeches Park

7.10 Ground 10: Adverse precedents would be created by this planning application

7.11 Ground 11: Depreciation in the value of adjoining properties

7.12 Ground 12: Construction phase concerns – issued without prejudice

7.12.1 There is no construction method on the file
7.12.2 Hours
7.12.3 Complaints
7.12.4 The party wall and vibration
7.12.5 Noise
7.12.6 Conclusion

8.0 Conclusion

9.0 Recommendation

9.1 Recommended reasons for refusal
9.2 Recommendations in the event of a request for Further Information

1.0 Introduction

BPS Planning and Development Consultants Ltd, a firm of Irish Planning Institute[1] accredited town planning and development consultants, has been retained by Grace O'Regan and Simon Mills of 6 Station Road, Glenageary, Co. Dublin [hereafter "clients"] to make a planning objection on their behalf against Dun Laoghaire-Rathdown County Council [hereafter "DLRCC"] planning application, reg. ref. D26A/0651/WEB. The development, located at a very small backland site of approximately 0.036 ha. at Beeches Park, to rear of No. 18 Marlborough Road, Glenageary, Dublin, is described in the statutory notices as follows:

> *The development will consist of the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house, and new vehicular entrance in the existing boundary wall with two off-street car parking spaces with access via 'Beeches Park', and associated hard and soft landscaping and SuDS drainage. The site is located in the backlands of No. 18 Marlborough Road and is located in an Architectural Conservation Area.*

This planning application was lodged to DLRCC on 31 August 2026; therefore, **the final date for submission of this planning objection is 5 October 2026.** This objection is submitted on or prior to this deadline.

Our clients wish to confirm that they have not agreed to any part of this development or to any of the impacts that it would have on their property and/or on their area. Our clients maintain several significant planning concerns/grounds for objection in respect of this planning application. These are set out in turn in Section 7.0 'Grounds for objection' of this report.

For the convenience of the DLRCC, BPS has: (i) Outlined the existing development context; (ii) Set out the proposed development: (iii) Reviewed the planning history of the applicant site; (iv) Set out the context for the proposed development; (v) Carried out a relevant planning policy assessment of the proposed development; and (vi) Set out grounds for objection. These details are set out below.

1.1 Objection fee

The sum of €20 payable to DLRCC to ensure this planning objection is validly received has been paid online via the planning portal.

1.2 Rationale for & summary of objection

BPS Planning & Development Consultants Ltd acts for Grace O'Regan and Simon Mills, 6 Station Road, Glenageary. Their house sits on Station Road, immediately east of the rear garden of No. 18 and of the proposed Beeches Park elevation, at the junction of Station Road and Beeches Park. They are the closest occupied dwelling to the proposed two-storey elevation, the new opening in the wall, and the two parking spaces. They have not agreed to any part of this development.

The site is a plot of about 0.036 hectares cut from the rear garden of Warriston, No. 18 Marlborough Road. It lies in the Marlborough Road Architectural Conservation Area. Access is proposed from Beeches Park, a short lane with double yellow lines, no usable footpath on the applicant side of the lane., a lighting column south of the opening, and a junction with Station Road a few metres to the north. There is no house on this land today. There is no vehicle opening. No house has been built in the rear garden of a Marlborough Road property in this ACA presenting two storeys to Beeches Park. This would be the first.

The applicant describes a diminutive garden house. The correct tests are Zoning Objective A, Policy Objective PHP20, Section 12.3.7.6 (backland), HER13 and the Compact Settlements Guidelines (2024). Policy Objective PHP22 and Section 12.3.7.9 apply only to suitable historic mews lanes. Beeches Park is not indicated as such a lane on the zoning map. The application cannot choose the mews chapter.

The house is two storeys and 7.44 metres high, built onto the public party wall. Half of that wall is understood to be DLRCC's. First-floor windows and a vehicular entrance (also for pedestrian use) would face the lane. The existing house at No. 18 sits on lower ground. The new house would read still taller from 6 Station Road. Section 12.3.7.6 requires confined backland houses generally to be single storey, 22 metres from facing first-floor windows, 60 sq.m of private open space exclusive of parking for each four-bed house, and a lane 3.7 metres wide (3.1 metres at a pinch) for a fire tender. The applicant's own figure to No. 18 is 20 metres. Open space after parking is not tabulated for both houses. There is no swept-path and no visibility splay.

[1] https://ipi.ie/

DLRCC and the Commission refused (on 11/05/2023) a 7.02 metre two-storey rear house at No. 13 Marlborough Road (D21A/1057 / ABP-312909-22) for size, siting, trees, harm to the ACA and precedent. Commission Planning Inspector Hamilton held that these plots are generous gardens with mature trees and hedging, that ACA tests are more onerous than ordinary infill, and that national guidance restricts infilling gardens.

The only permission on Beeches Park (D14A/0779) was single storey and was not built.

Likely adverse impacts on 6 Station Road have not been assessed. There is no BRE 209 study, no verified view from the front of that house, and no note on headlights or reversing toward their rear garden and rear elevation. Overlooking and the feeling of being watched are our clients' primary concern. They are the only neighbour with this juxtaposition.

The Design Statement's claim of "no effect" on the ACA is not an appraisal. There is no conservation report and no arborist report. Drawing 107 marks trees for removal. Drainage is red-line only and does not model the fall toward No. 18 and toward the lane once the wall is gone. There is no Uisce Éireann Confirmation of Feasibility and no construction method that keeps plant off the pinch.

A grant would set a precedent for two-storey garden infill on this lane, for replacing an ACA wall with a building, and for piecemeal new gates. Fourth Schedule reason 10(c) is engaged.

BPS has reviewed the application form, notices, drawings 001–107, Design Statement, drainage report and landowner consent. The scheme would injure the amenity of 6 Station Road and of Beeches Park. It fails Objective A, PHP20, Sections 12.3.7.6, 12.3.7.7 and 12.11.4, HER13, landscape and water policy, and the Compact Settlements Guidelines as they apply to existing occupiers.

Permission should be refused for the reasons set out in Sections 9.0 and 9.1 of this report. If further information is sought rather than a refusal, the list in Section 9.2 would be the minimum. Those amendments would be a different development. The correct decision is refusal.

2.0 Site location and description

The application site is a plot of about 0.036 hectares that would be cut from the rear garden of Warriston, No. 18 Marlborough Road, Glenageary, and turned to face Beeches Park. No. 18 would remain. The garden would be subdivided by a new boundary. The site lies in an Architectural Conservation Area. No conservation assessment of that subdivision, of the new opening in the lane wall, or of the loss of garden and trees as part of the ACA plot pattern has been submitted.

There is no vehicular access to this land at present. The Beeches Park frontage is a continuous boundary wall about 1.2 metres high. The scheme would break that wall for a new gate and two parking spaces. Beeches Park is a short, narrow lane between Station Road to the north and the long gardens of Marlborough Road to the west. Double yellow lines run along the lane because two cars cannot pass. A electricity pole stands just south of the proposed entrance. The entrance would sit very close to the junction with Station Road.

Our clients occupy No. 6 Station Road, on the south side of Station Road, immediately east of the rear garden of No. 18 / of the application site, at the Station Road end of Beeches Park. They would take headlights, turning movements and the new two-storey frontage at close range.

The neighbourhood is established suburban housing: two-storey houses, long rear gardens, mature trees and narrow side lanes. Glenageary DART station and the Sandycove / Glenageary / Dalkey built-up area lie nearby. The character of this part of the ACA is plot depth, rear gardens, boundary walls and planting. There is no two-storey house in the rear garden of a Marlborough Road property in this ACA that presents a public elevation and a new gate to Beeches Park. Green Gates, in the rear garden of No. 1 Marlborough Road, is a single-storey house. It is accessed from Adelaide Road, is well set back from that road, and is concealed behind an old stone wall. It is not a Beeches Park frontage and it is not a two-storey dwelling sited on a public party wall. It does not justify this scheme.

The site is zoned Objective A: to protect and/or improve residential amenity. A house is acceptable in principle only if amenity and heritage are protected. This is backland development under Section 12.3.7.6. It is not a mapped mews lane. Policy Objective PHP22 and Section 12.3.7.9 apply only where mews development is suitable and, in DLR practice, where that suitability is indicated for the lane. Beeches Park is not shown on the Development Plan zoning map as a mews lane where such development is permitted in principle.

A greenhouse is to be removed. Mature trees on the plot are marked for removal on drawing 107. The new house would be two storeys and 7.44 metres high, with its public face to the lane. That is a change to Beeches Park and to the ACA garden of No. 18, not a change contained inside a private plot.

2.1 Site location & description relative to the clients' property (6 Station Road)

No. 6 Station Road is a family house on the south side of Station Road, immediately east of the rear garden of No. 18 and of the application site, at the Station Road end of Beeches Park.

Our clients' front and rear gardens adjoin the lane. Their rear first floor windows also maintain angled views of the trees in the applicant site as it currently appears.

The existing house at No. 18 sits on lower ground than 6 Station Road. The proposed house would be built up toward the Beeches Park / Station Road end of the garden, so its two-storey, 7.44 metre form would read still taller from our clients' side. The applicant's site section should be read with those relative levels: the scheme is not only closer to Station Road than No. 18: it is also on higher ground relative to our clients than the parent house is.

The application site is not a vacant gap on Station Road. It is the rear garden of Warriston, No. 18 Marlborough Road, turned to face Beeches Park. The new house would present a two-storey, 7.44 metre elevation and a new vehicle opening to that lane. Cars entering and leaving the two parking spaces would use the same narrow carriageway that serves Beeches Park and that meets Station Road beside our clients' house.

That is a close residential relationship. It is not the same as a house in a mid-block garden with no lane frontage. Headlights, turning movements, first-floor windows, loss of trees and construction traffic would all be experienced at 6 Station Road and along Beeches Park.

The applicant's Design Statement treats the scheme as a compact house set into a garden, of no effect on the ACA. It does not describe the relationship across Beeches Park to Station Road. It does not assess overlooking, overbearing or overshadowing at 6 Station Road. It does not assess the safety of a new gate at a pinch point on the lane.

The wider setting is an established suburban street of two-storey houses, long gardens, mature planting and narrow lanes, inside an Architectural Conservation Area and zoned Objective A. Further two-storey backland houses with new openings onto Beeches Park would change that pattern. Our clients' property is the house that would live with the first of those openings at the Station Road end of the lane.

It is noted that the existing property has for many years maintained a wall, a tall wooden fence and trees along the Beeches Park interface specifically to protect privacy from overlooking by properties to the east (including 6 Station Road). Those same privacy concerns appear to have been set aside in the current application.

Such concerns are clearly being waived for the current planning application with our clients' privacy clearly not being of concern to the existing property owners and/or the applicant.

The applicant has not surveyed 6 Station Road. There is no cross-section through our clients' patio, kitchen window, or first-floor bedrooms. BPS has not provided a measured survey of 6 Station Road; the applicant chose not to prepare one. The cross-sections therefore remain incomplete. What the drawings do show is a two-storey, 7.44 m elevation on the public wall at the pinch of the lane, on higher ground than No. 18, immediately opposite the Station Road frontage of No. 6. Separation is short. It has not been dimensioned window-to-window. While Section 12.3.7.6's 22 m test is written for facing first-floor windows, the planning application does not demonstrate that test to 6 Station Road because 6 Station Road was not assessed and the planning application is also silent on a qualitative assessment.

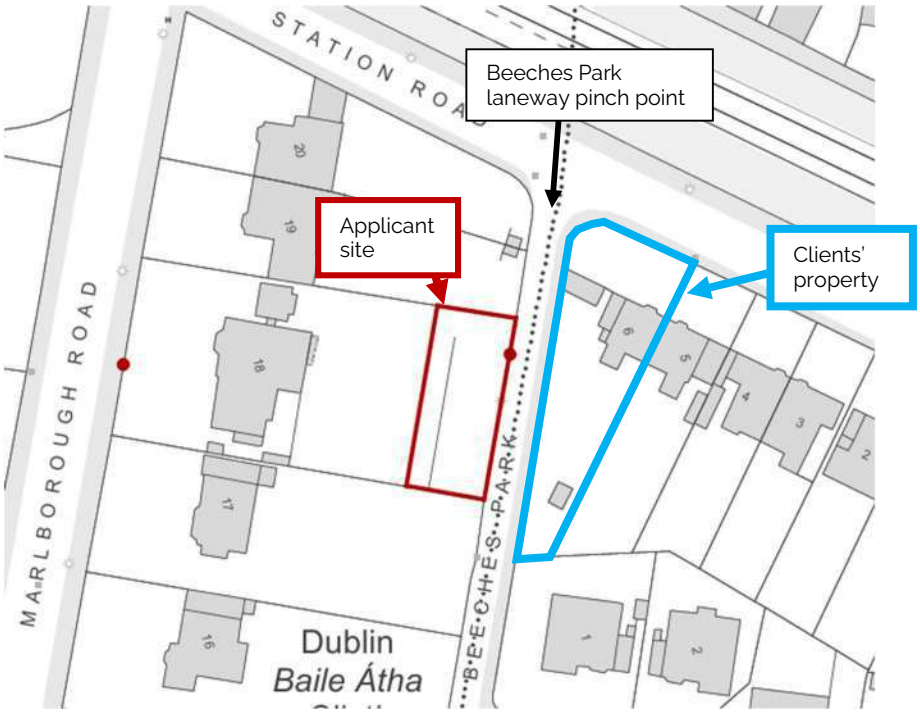


Fig. 1: The applicant property location relative to clients' property

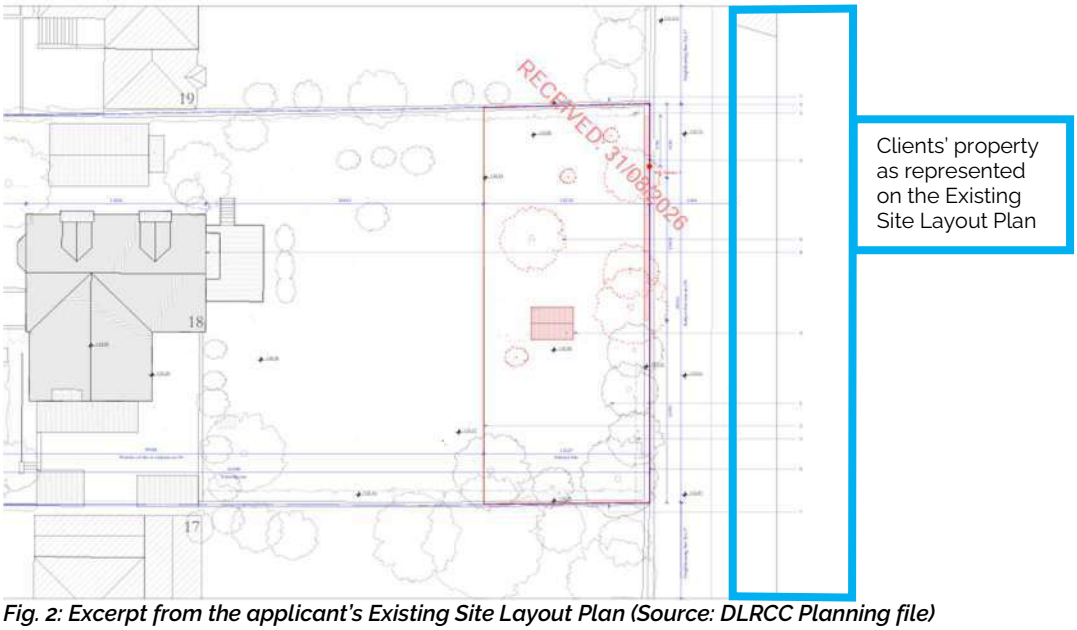


Fig. 2: Excerpt from the applicant's Existing Site Layout Plan (Source: DLRCC Planning file)



Fig. 3: Excerpt from the applicant's Section showing rising ground levels from the existing house through the applicant's site and toward our clients' property (Source: DLRCC Planning file)



Fig. 4: The applicant property location relative to clients' property (Source: Google Earth, annotated by BPS)

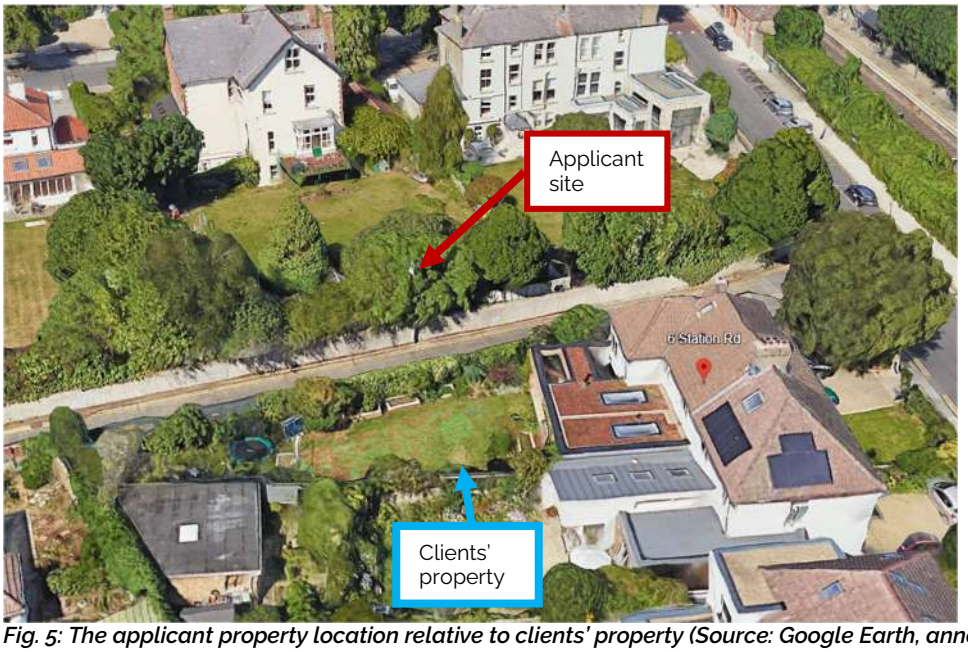


Fig. 5: The applicant property location relative to clients' property (Source: Google Earth, annotated by BPS)



Fig. 6: The applicant property location relative to clients' property (Source: Google Earth, annotated by BPS)



Fig. 7: The applicant property location relative to clients' property (Source: Google Earth, annotated by BPS)



Fig. 8: The existing appearance of the applicant's site as it interfaces with the Beeches Park lane – view south (Source: Google Streetview, annotated by BPS)



Fig. 9: The existing appearance of the applicant's site as it interfaces with the Beeches Park lane – view north (Source: Google Streetview, annotated by BPS)



Fig. 10: The existing appearance of the site of the proposed vehicular entrance (double yellow lines, wall, electricity pole) – view north (Source: Google Streetview, annotated by BPS)

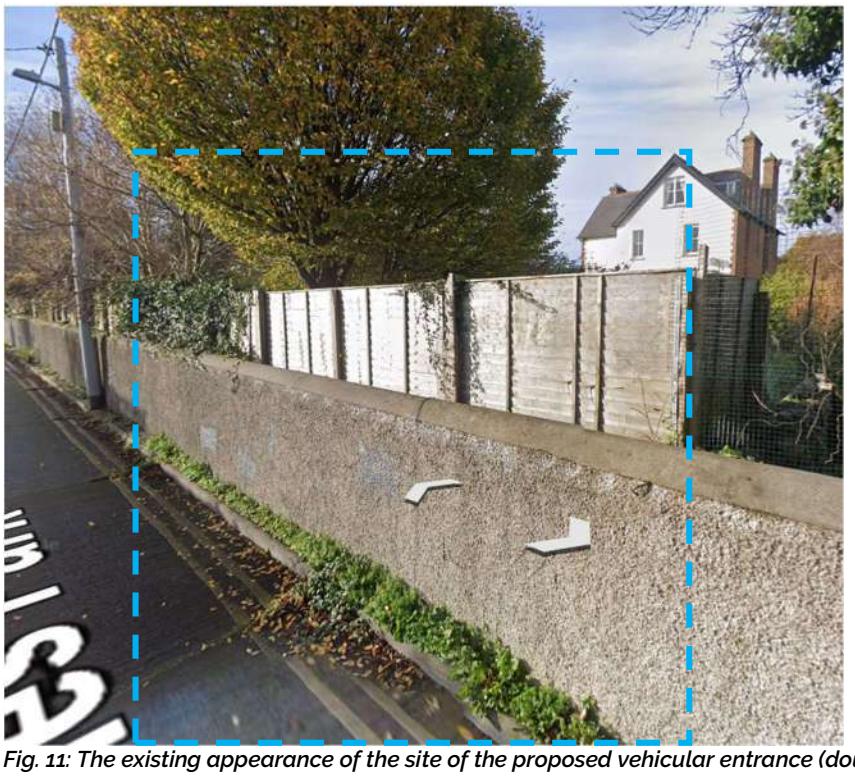


Fig. 11: The existing appearance of the site of the proposed vehicular entrance (double yellow lines, wall, etc.) – view south (Source: Google Streetview, annotated by BPS)



Fig. 12: The electricity pole (Source: Client photo)

2.2 The existing house, the garden and the ACA - no assessment

This is not a replacement-dwelling application under Section 12.3.9. Warriston, No. 18 Marlborough Road, is to remain. What is proposed is the subdivision of its rear garden in an Architectural Conservation Area, the removal of mature trees, the breaking of a continuous Beeches Park wall, and the insertion of a two-storey house where the Development Plan map does not indicate a mews lane.

None of that has been assessed.

There is no conservation report. There is no appraisal of the contribution that the long garden, the 1.2 to 1.7 metre tall lane wall, the tree canopy and the unbroken rear-garden pattern of Marlborough Road make to the ACA. There is no assessment of what the residual plot at No. 18 will be: garden depth, private open space, outlook, or the character of a house that would no longer sit in a deep planted plot. The Design Statement says the new house will have no effect on the ACA. That is a conclusion without a study.

Section 12.3.9 is still relevant in spirit. The Plan prefers retention of existing residential fabric and of the setting that makes that fabric work. Policy on ACAs requires development to preserve or enhance

character, including plots, boundaries and trees. Section 12.7.3 requires existing site features - specimen trees, stands of mature trees, hedgerows - to be identified and retained where they contribute to character. Drawing 107 marks trees for removal. Those trees are the sylvan setting of No. 18 and of Beeches Park. They are not protected in this application. They are treated as an obstacle to a parking bay and a floor plate.

Google imagery and the submitted existing drawings show a deep, planted garden behind a modest wall, with no vehicle break onto Beeches Park and no house in any Marlborough Road rear garden in the ACA. That is the historic plot pattern. Cutting a 0.036 hectare site from it, opening a gate beside a electricity pole and double yellow lines, and placing a 7.44 metre house on the lane is a change to No. 18 and to the ACA. The applicant's planning application does not assess that change.

Our clients' property boundary extends immediately on the other side of the laneway from the subject site. The application does not assess impact on their dwelling either.



Fig. 13: The historic setting of No. 18 – trees, fence and wall protect its privacy from the lane to the rear (Source: Google Earth, annotated by BPS)

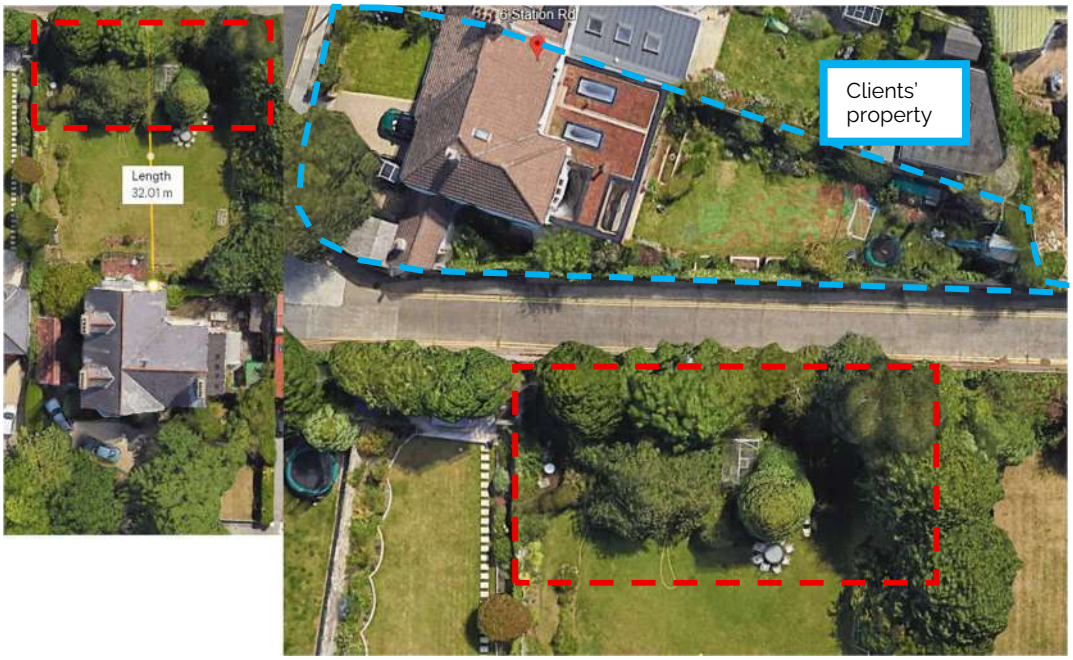


Fig. 14: Existing garden of No. 18 - depth, trees and unbroken Beeches Park wall (Source: Google Earth, annotated by BPS)



Fig. 15: Residual garden left to No. 18 after subdivision (to be measured on the site plan) (Source: Google Earth and the planning file. annotated by BPS)

3.0 Proposed development

The proposed development comprises of:

1. the construction of a new detached two-storey, 7.44m tall, 4-bedroom dwelling house,
2. new vehicular entrance in the existing boundary wall.
3. two off-street car parking spaces with access via 'Beeches Park'.
4. associated hard and soft landscaping and SuDS drainage.

The site is located in the rear garden of No. 18 Marlborough Road and is located in an Architectural Conservation Area.

3.1 The proposed development relative to clients' property

The applicant proposes to cut out a site of about 0.036 hectares from the rear garden of Warriston, No. 18 Marlborough Road, and to build a detached two-storey, 7.44 metre, four-bedroom house on that site, with two parking spaces and a new gate in the Beeches Park wall. No. 18 remains. The deep planted garden that now forms part of the setting of the lane, Station Road, and 6 Station Road would not.

The house is pushed to the limits of the small area of existing rear garden which comprises the subject site. The Beeches Park elevation replaces the party wall and sits on the lane, on or over DLRCC's half of that wall, with first-floor windows opening onto yellow lines and no footpath on the applicant side of the lane. The building is also pulled as far north as the plot allows, toward Station Road and toward 6 Station Road, at two storeys, on ground that is higher relative to our clients than the floor level of No. 18. There is no set-back from the public boundary and no meaningful set-back from the junction. The design is the maximum envelope the 0.036 hectare slice can take, not a house that has been placed to protect the lane or the adjoining occupiers.

There is no house on this land today. There is no vehicle opening. The Beeches Park frontage is a wall about 1.2 metres high. Mature trees stand on the plot. No house has been built in the rear garden of any Marlborough Road property in this ACA. The scheme would be the first. To put a four-bedroom house and two cars on 360 sq.m, the applicant asks DLRCC and our clients to accept the following:

- ***Subdivision of an ACA house plot with no conservation assessment:*** No. 18 loses the rear part of its garden. A new boundary is drawn through that garden. Trees go. The lane wall is broken. None of that is described as works to an ACA dwelling. None of it is assessed.

- ***Built to the party boundary and as close as possible to 6 Station Road:*** The front wall takes the place of the lane wall. The north end of the house is hard against the Station Road side of the garden. A two-storey, 7.44 metre form on higher ground, with no screening to the lane, is the relationship our clients would live with. Backland policy exists to stop exactly that.

- ***A two-storey frontage on a lane that has none:*** Drawing 101 gives a height of 7.44 metres to the Beeches Park elevation. First-floor windows face the lane. Our clients at 6 Station Road sit immediately north of the junction. They would take that elevation, those windows, and headlights from the new gate at close range. Section 12.3.7.6 expects backland houses generally to be single storey for this reason.

- ***A new entrance at the worst point on the lane:*** The gate would sit on double yellow lines, beside a electricity pole, with no footpath on that side of the lane, metres from Station Road. Cars have not been shown to enter and leave in a forward direction. Reversing would point toward our clients' house.

- ***Loss of the sylvan edge:*** Drawing 107 marks trees for removal. Those trees are the setting of No. 18 and of the junction. They are not surveyed and they are not protected by these proposals. There is no Arborist Report on file despite this property being located within an ACA.

- ***Open space that has not been measured for both houses:*** The applicant's plans seek 60 sq.m of private open space, exclusive of parking, for **each** four-bedroom unit in a backland case. The residual garden of No. 18 and the usable garden of the new house, once two cars are parked, are not tabulated. The proposed private open space for the new dwelling is clearly derisory, substandard, and contrary to the Development Plan (as set out below).

- ***Construction on the lane:*** There is no plan that keeps plant only on Marlborough Road through No. 18. Beeches Park and Station Road would take the build stage impacts.

These are not minor design choices. They are the means by which a four-bed house is forced onto a garden that was never a building plot, onto a lane that was never a mews street on the zoning map. Our clients consider them unacceptable. They are contrary to Objective A, PHP20, PHP22, Sections 12.3.7.6 and 12.3.7.9, ACA policy, and the Compact Settlements Guidelines as they apply to existing occupiers. The grounds are developed in Section 7.0.

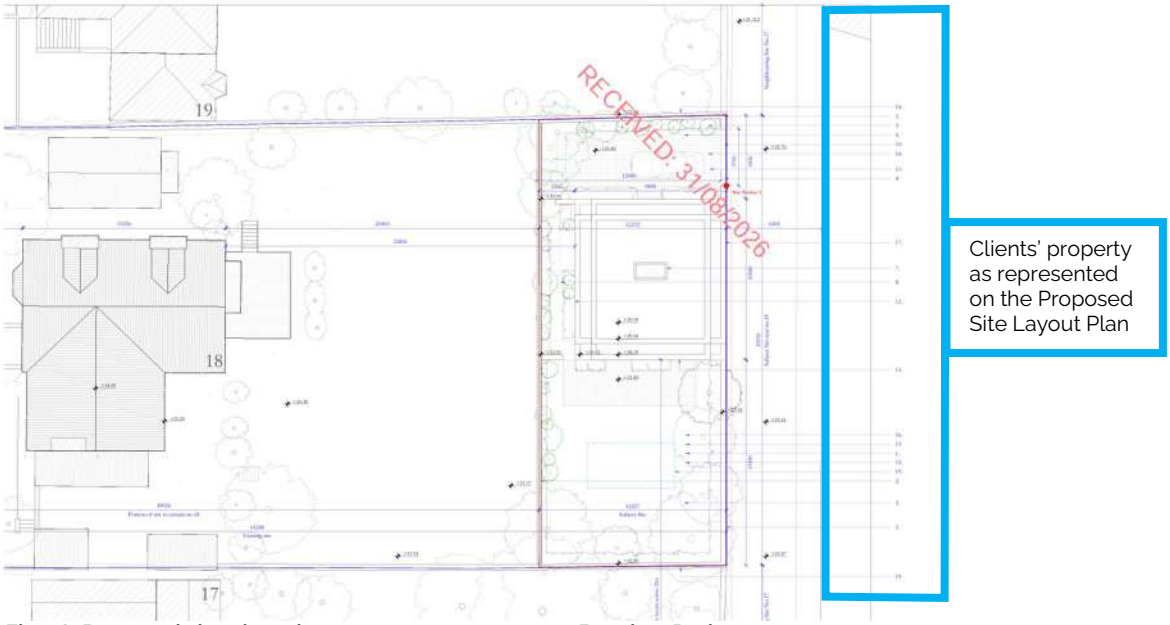


Fig. 16: Proposed site plan - house, two spaces, gate to Beeches Park

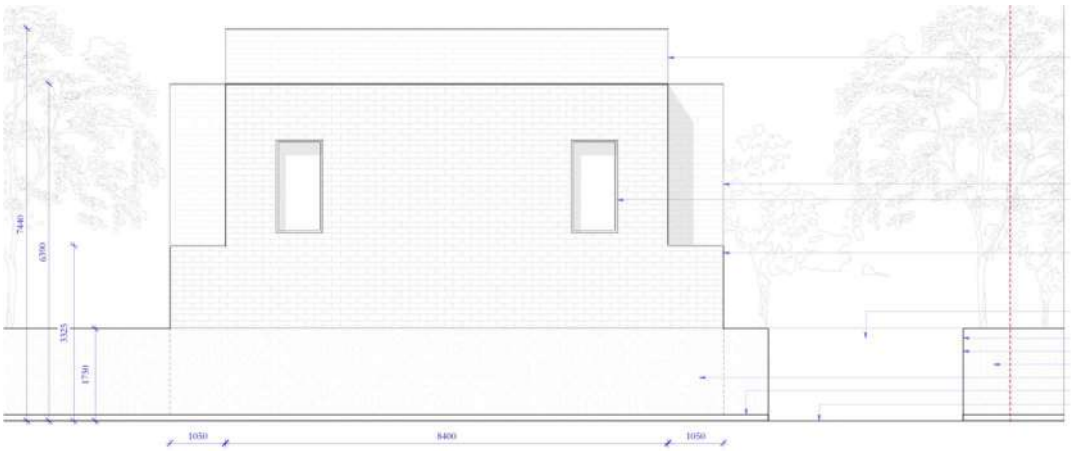


Fig. 17: Drawing 101 - 7.44 m elevation to the lane



Fig. 18: The applicant's cross section showing the close proximity of the proposed dwelling to clients' property

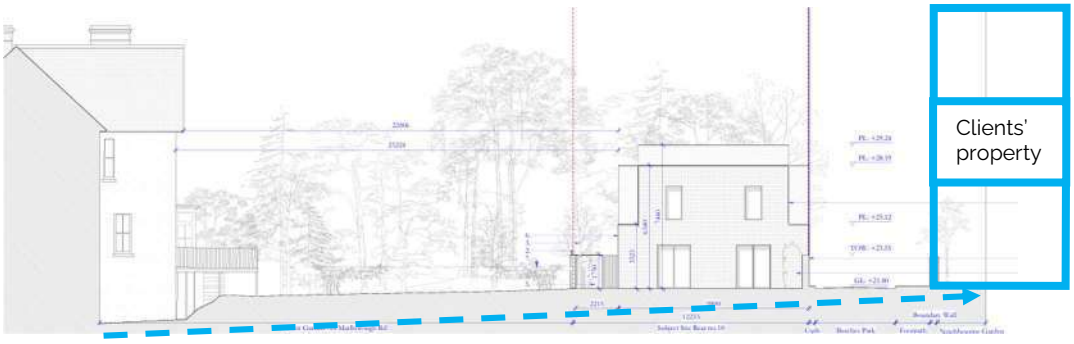


Fig. 19: Excerpt from the applicant's Proposed Section showing rising ground levels from the existing house through the applicant's proposed dwelling site and toward our clients' property (Source: DLRCC Planning file)



Fig. 20: Existing screening trees to be removed leaving no screening of No. 6 (Source: Google Earth, annotated by BPS & clients' photos)

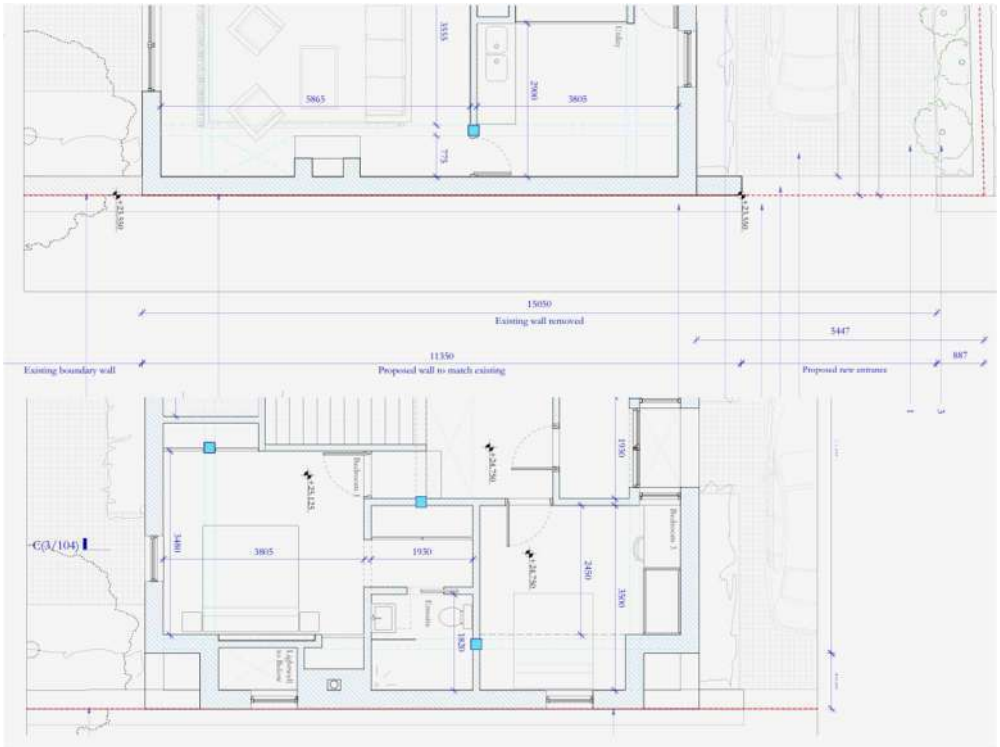


Fig. 21: Excerpt from the applicant's floor plans showing the ground floor and first floor laneway built onto the party boundary leaving it very close to our clients' property (Source: DLRCC Planning file)

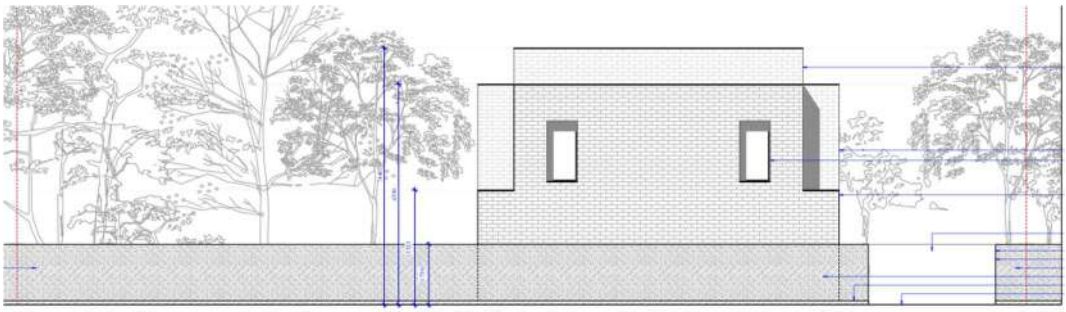


Fig. 22: The existing party wall to the laneway is proposed to be removed by the applicant to make way for the laneway elevation of the proposed two storey dwelling with first floor windows sited at the existing laneway edge (Source: Planning File drawing, as annotated by BPS)



Fig. 23: The existing party wall to the laneway is proposed to be removed by the applicant to make way for the laneway elevation of the proposed two storey dwelling with first floor windows sited at the existing laneway edge overlooking, overbearing and overshadowing clients' property (Source: Planning File drawing, as annotated by BPS)



Fig. 24: Before and after photos of No. 6's rear garden (Source: Client)



Fig. 25: Before and after photos of No. 6's rear garden (Source: Client)



Fig. 26: Existing view from clients' first floor rear window (Source: Client)

4.0 Technical/planning law concerns with this planning application

These points go to validation, the completeness of the file, and whether DLRCC can lawfully determine the application as lodged. They are separate from the planning merits.

4.1 Red line boundary concerns

The red line should include every part of the land on which the development will be carried out. This scheme does not sit in an empty field. It depends on:

- cutting a new boundary through the garden of No. 18;
- leaving a residual private garden to the existing house;
- any making-good of walls, levels, drainage or services that belong to No. 18; and
- the landowner's consent from Michael Cullen, which is for the house and garden at Warriston.

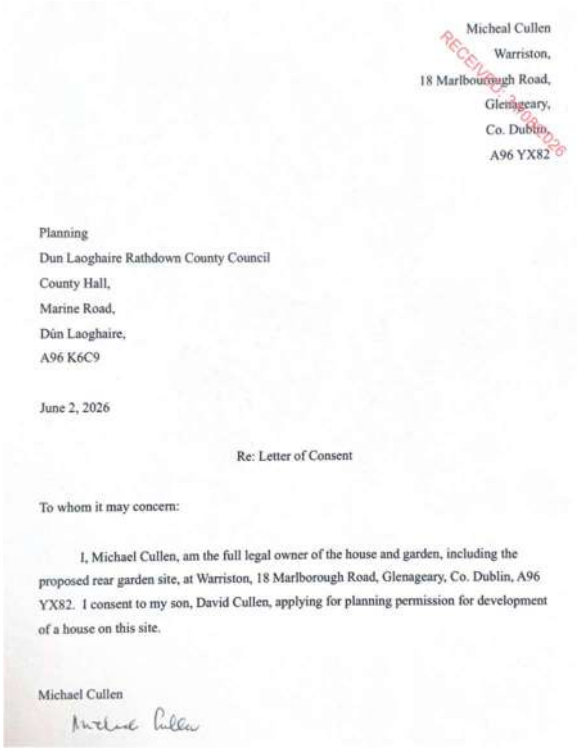
If those works sit outside the red line, the application is incomplete. The Commission and DLRCC both treat a red line that omits the parent plot, while relying on it for access, drainage or subdivision, as a validation and description problem. DLRCC is asked to confirm that every wall, pipe and garden split is inside the line that was advertised. If it is not, the application should not have been treated as valid without a revised notice.

Further, works to a house in an ACA arise - No. 18 is in the Architectural Conservation Area. Altering its curtilage, its rear garden, its boundary wall to Beeches Park and the tree setting that belongs to that house is development that would materially affect the character of the ACA.

In an ACA, works that might otherwise be exempt often lose that exemption where they would materially affect character (Planning and Development Regulations 2001, Article 9, and Section 82 of the Act). Opening a vehicle gate in the lane wall, building a new subdividing wall, and removing mature trees are not internal works. They change the structure's setting. They should be in the statutory description, and they should be the subject of a conservation assessment. Neither is on this file.

Conclusion, permission is being sought for a new house on a slice of an ACA garden, while the alteration of the existing dwelling's plot, wall and setting is treated as if it were invisible. Those works require planning permission in this ACA. They have not been properly described, outlined in red, or assessed. A grant that only "permits the new house" would leave the subdivision of No. 18 and the break in the Beeches Park wall without a conservation decision.

The landowner's consent letter proves that the applicant knows and fully accepts (even declares) that the parent house and garden are one property yet the planning-pack map, outlines only the rear site outlined in red. That inconsistency is not permitted.



Micheal Cullen
Warriston,
18 Marlborough Road,
Glenageary,
Co. Dublin,
A96 YX82

Planning
Dun Laoghaire Rathdown County Council
County Hall,
Marine Road,
Dún Laoghaire,
A96 K6C9

June 2, 2026

Re: Letter of Consent

To whom it may concern:

I, Michael Cullen, am the full legal owner of the house and garden, including the proposed rear garden site, at Warriston, 18 Marlborough Road, Glenageary, Co. Dublin, A96 YX82. I consent to my son, David Cullen, applying for planning permission for development of a house on this site.

Michael Cullen

Fig. 27: Owner's consent for this planning application – the letter confirms ownership of the entire property including the subject site set within a standalone red line boundary

4.2 Blue line boundary concerns

Under the Planning and Development Regulations 2001, as amended, adjoining land that is in the same ownership as the application site should be edged blue on the site location map, even when it is not in the red line.

Article 22 requires the location map to show:

- The application site in red; and
- any adjoining land in the ownership or control of the applicant in blue.

Warriston, No. 18 Marlborough Road, and the rest of its garden adjoin the red-line site. Michael Cullen's consent letter states that he owns the house and the garden, including the rear plot, and that he consents to David Cullen applying. That is one holding. The residual house and garden should therefore appear in blue. Public notices have been erected on both roads adjoining the whole property.

The applicant maps only show a red box on the back garden and no blue line around No. 18; therefore, the application does not meet the map requirement in Article 22. DLRCC cannot see, on the statutory map, that the scheme depends on subdividing an ACA house plot. Works to the parent garden (new party wall, residual open space, trees, services) sit in a vacuum.

Absence of the blue line is a further reason the file understates the relationship with No. 18 and with the ACA.

4.3 Incomplete development description and defective site notice

The notices describe a new house, a new entrance, parking, landscaping and SuDS in the backlands of No. 18, in an ACA. They do not describe:

- subdivision of an existing dwelling plot in an ACA;
- construction of a new boundary that cuts No. 18 from its rear garden;
- demolition or alteration of the Beeches Park wall;
- removal of mature trees; and
- works next to a public electricity pole on a public lane.

The site notice also records an "Architectural Conversation Area"[2]. That is not the statutory designation. A notice that misstates the heritage status of the land and omits the works that affect the existing house is not a complete Article 18 description. Third parties reading Beeches Park cannot see that an ACA garden is being split.

4.4 Works to a structure and its setting in an ACA

No. 18 and its garden lie in the ACA. Opening a vehicle gate in the lane wall, building a subdividing wall, and removing trees are works that can materially affect the character of the ACA. In an ACA, development that would otherwise be exempt is often de-exempted where it would materially affect that character (Section 82 of the Act and Article 9 of the Regulations). Those works need permission and a conservation assessment. There is no conservation report on the file. The Design Statement's assertion of "no effect" is not an assessment.

4.5 Beeches Park wall – DLRCC ownership, no consent, & a notice that conceals the works

The existing boundary to Beeches Park is a continuous wall about 1.2 metres high. Our clients' understanding, and the pattern of this lane, is that the wall stands on or astride the boundary with the public road, so that DLRCC owns or controls at least half of it as roads authority. The application proposes to remove that wall for a new vehicular opening and to rebuild or recast the frontage as part of the house and parking.

No letter of consent from DLRCC as owner of the wall or as roads authority is on the file. Michael Cullen's consent covers the garden of No. 18. It does not cover fabric that belongs to the public road. Works to a structure that is not wholly in the applicant's ownership require the owner's consent under the Planning and Development Regulations. Without that consent the application is incomplete.

Those works should have been on the site notice and newspaper notice in plain terms: demolition or alteration of the Beeches Park boundary wall, including any part of the wall that is public. The notices speak only of a "new vehicular entrance in the existing boundary wall." A reader on the lane cannot see that historic enclosure is to be taken down, or that Council fabric is involved.

In an Architectural Conservation Area this is not a standard suburban dropped kerb. The unbroken wall, the planted garden behind it, and the absence of house openings on Marlborough Road rear gardens are the character of the lane. Conservation practice is to keep boundary walls, repair them in matching materials, and open them only where the Plan has already accepted a mews frontage. Beeches Park is not indicated as such a lane on the zoning map. Removing the wall to insert a two-storey house and two parking spaces is the opposite of that practice. It would be the first break in the garden wall line. It would set the pattern the ACA policies exist to prevent.

The wall also does a practical job. It holds the edge of a carriageway that already has double yellow lines and no footpath on that side of the lane. Taking it down next to a electricity pole, metres from Station Road, is a roads matter as well as a heritage matter. Planning permission, even if granted, would not replace DLRCC's consent as owner or as roads authority.

The DLRCC is asked to refuse on this point alone unless and until:

- ownership of the wall is proven
- DLRCC as owner has consented in writing
- the notices are amended to describe demolition or alteration of the lane wall
- a conservation method statement for any opening that might survive a redesigned, single-storey scheme is on the file

None of that is before DLRCC now.

[2] This applicant error is published in a statutory development description. The error is not only a typo it is misleading and invalid. While all firms make errors, this is a significant one when a letter cannot be out of place in the rest of the formal wording required by DLRCC.

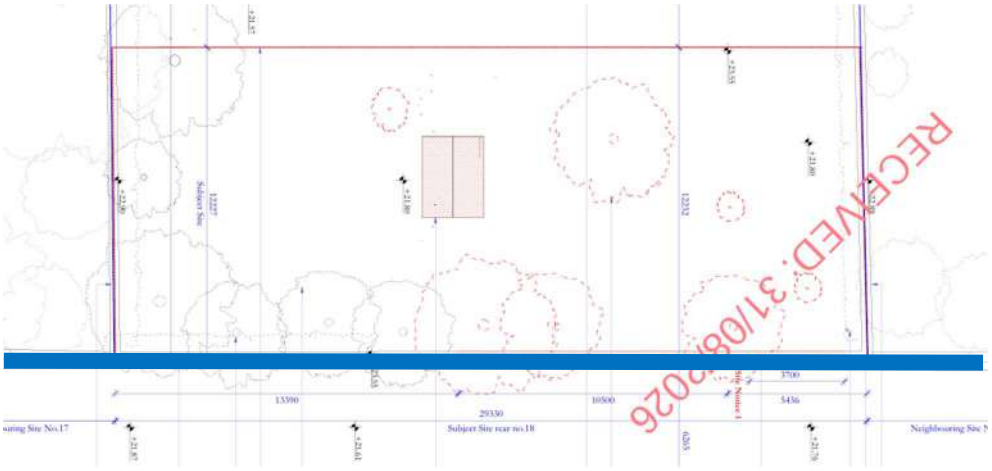


Fig. 28: Existing boundary wall to the laneway as shown on the existing site layout plan (Source: Planning File drawing, as annotated by BPS)

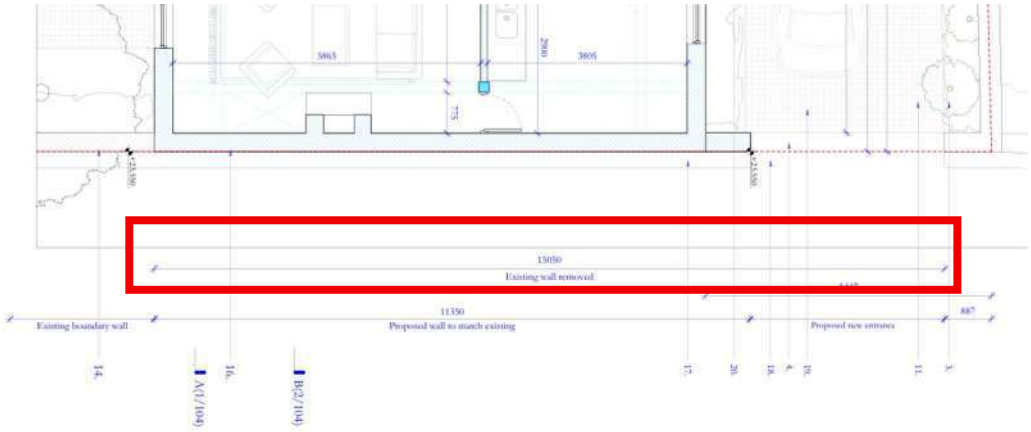


Fig. 29: Existing party wall to the laneway proposed to be removed by the applicant (Source: Planning File drawing, as annotated by BPS)

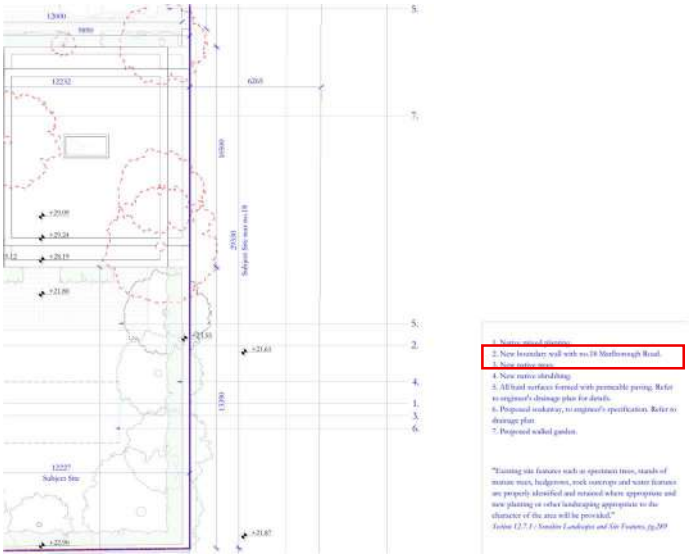


Fig. 30: Existing party wall to the laneway proposed to be removed by the applicant to allow the dwelling's laneway elevation to be built on it (Source: Planning File drawing, as annotated by BPS)

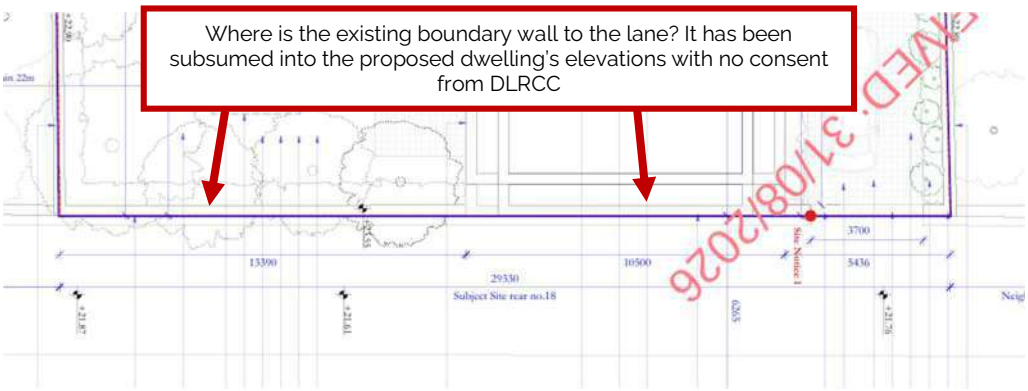


Fig. 31: No mention on the Proposed Site Layout Plan of now the existing party wall to the laneway is proposed to be removed by the applicant (Source: Planning File drawing, as annotated by BPS)

The Beeches Park wall is a land take, not a dropped kerb - To further clarify this matter, this is not an entrance punched through a private garden wall. The drawings show the front elevation of the new house taking the place of the boundary wall, built to the lane edge. Half of that wall is understood to be DLRCC's. The applicant would occupy that line, put habitable rooms and windows on it, and leave the face of a two-storey house hard against double yellow lines, with no set-back, no screening and no footpath on that side of the lane.

That is a land take from the public road. Michael Cullen's letter does not authorise it. No Council consent as owner of the wall is on the file. The public notices do not say that the party wall to Beeches Park is to be replaced by a house elevation. Third parties reading "new vehicular entrance in the existing boundary wall" are not told that the wall itself is to go and that the building will stand on the lane**. In an ACA this is contrary to ordinary conservation practice**. Boundary walls are part of the plot pattern. They are retained and repaired. They are not demolished so that a new façade can sit on the public boundary. No other Marlborough Road garden in this ACA presents a two-storey house and first-floor windows to Beeches Park. This scheme would be the first. It would turn a planted, walled backland into a street elevation on a carriageway that cannot take two cars.

It is also unsafe. Windows and a vehicular gate (also for pedestrian use) would open onto a lane with yellow lines and no footpath on that side of the lane. Occupiers and visitors would step straight into the path of vehicles. Cars using the two spaces would manoeuvre against the same elevation. Pedestrians walking to Station Road would pass under the glass of the first floor windows almost at touching distance. DMURS and the Development Plan do not treat that as an acceptable public-realm relationship.

DLRCC is asked to read the elevations against the title of the wall. If the house sits on or over the DLRCC's half, the application seeks to build on land the applicant does not own. That is a validation issue and a reason for refusal. A grant would privatise a public boundary and set a precedent for other gardens to do the same. Our clients at 6 Station Road would live with that elevation, those windows and that gate at the junction. **They should not have to. This proposal would leave no setback to the lane, no area for screening, and place the building and its windows as close to our clients' home as is technically possible.**

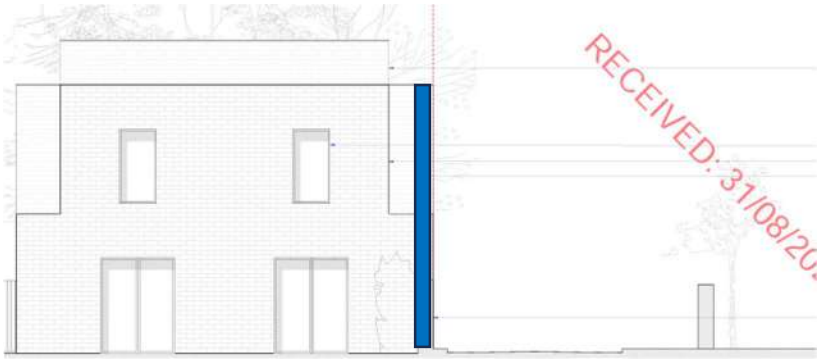


Fig. 32: No mention on the Proposed Site Layout Plan of now the existing party wall to the laneway is proposed to be removed by the applicant to make way for the laneway elevation of the proposed two storey dwelling (Source: Planning File drawing, as annotated by BPS)

4.6 Technical roads concerns

4.6.1 New access onto a public lane - roads authority

Beeches Park is a public road. The scheme creates a new vehicular entrance at a pinch point, on double yellow lines, next to a electricity pole, close to the Station Road junction. Planning permission for the opening does not replace any consent required from DLRCC as roads authority for works in or to the public road, footpath or lighting column. No such consent is evidenced. No swept-path, visibility-splay or Stage 1 Road Safety Audit is on the file.

4.6.2 Visibility splays and safe entry and exit

A new vehicular entrance onto a public road must be safe in use and during construction. The Development Plan (Chapter 5 / Chapter 12 access standards), DMURS and the Design Manual for Roads and Bridges visibility standards require sightlines appropriate to the speed and width of the street.
Beeches Park is a narrow lane with double yellow lines, no two-way passing, a electricity pole immediately south of the proposed opening, and a junction with Station Road a short distance to the north. The file does not contain:

- measured visibility splays in both directions from the driver's eye position.
- a speed or forward-visibility assessment on the lane.
- a swept-path for a private car entering and leaving.
- a swept-path for a fire tender or refuse vehicle, which Section 12.3.7.6 requires the lane to accommodate (3.7 m width, 3.1 m at pinch points).
- any statement on construction vehicles using the same opening.

Without those drawings DLRCC cannot find that the entrance will not endanger pedestrians or other vehicles. PHP20 and the Plan's road-safety objectives are not met on the documents submitted.

4.6.3 Cars cannot be shown to enter and leave in a forward direction

Two spaces sit behind a new gate on a plot about 12 metres wide. On a lane this tight, a car that must reverse in or out will block Beeches Park and will reverse toward the Station Road junction and toward 6 Station Road.

The application does not include a turning-head inside the site or a swept-path that shows arrival and departure in a forward gear. A turntable is not proposed. Reversing onto double yellow lines, beside a electricity pole, with no footpath on that side of the lane, is a traffic hazard. It is also an amenity impact on our clients. DLRCC should not treat two stacked spaces as a safe parking arrangement until forward-in, forward-out is demonstrated.

4.6.4 Pedestrian safety - yellow lines and no footpath on the site side of the lane

Beeches Park functions as a shared surface. There is no separate footpath of usable width along the application frontage. Double yellow lines are there because the carriageway cannot take two vehicles. Pedestrians, including children and people walking to Station Road and the DART, use the same narrow space as cars. There is a footpath on the opposite side of the laneway, but this is often driven on when two vehicles are forced to pass one another in opposite directions.

A new generator of turning movements at this point, with restricted visibility and reversing, is a pedestrian-safety issue under DMURS and under the Development Plan's requirement that new access does not endanger public safety. The Design Statement does not address pedestrians on the lane at all.

4.6.5 Construction-phase access is not designed

Even if an operational gate were acceptable, construction is a separate roads test. Deliveries, a skip, a mini-digger and worker parking cannot sit on a lane with yellow lines and no passing. The file contains no Construction Management Plan, no construction swept-path, and no commitment that all construction traffic will use Marlborough Road through No. 18.

Section 12.3.7.6 and ordinary residential amenity policy require that a backland house can be built without making the lane unsafe. That has not been shown.

4.7 Missing assessments the location requires

For a two-storey house on a 0.036 ha site, in an ACA, facing a narrow lane and 6 Station Road, the file does not contain:

- an ACA / conservation appraisal.
- a tree survey with categories and a method statement for removals shown on drawing 107.
- a BRE 209 daylight, sunlight and overshadowing study of 6 Station Road and of houses on Beeches Park.
- an overlooking / privacy study from first-floor windows to the lane.
- a Road Safety Audit or measured visibility splays at the new gate.
- a Construction Management Plan that keeps plant off Beeches Park and Station Road.
- AA screening, even if the conclusion is no likely significant effects.

Those are not luxuries. They are the material DLRCC needs before it can find no injury to amenity or to the ACA.

4.8 Water and Drainage issues

4.8.1 No evidence of an Uisce Éireann connection enquiry

A new dwelling needs a new or altered connection to the public water and wastewater networks. Uisce Éireann is the water authority. Confirmation of Feasibility, or at least a recorded pre-connection enquiry, is the normal way to show that a connection is possible without an unassessed upgrade.

No Uisce Éireann letter is on this file. The O'Reilly drainage and flood-risk report is an engineer's design for the plot. It is not a utility confirmation. Chapter 10 of the Development Plan and DLRCC's water-services objectives require new housing to connect in a way that does not overload the network. Residents of Beeches Park already describe a problematic sewer. Without a feasibility confirmation DLRCC cannot know whether a new four-bedroom house will require a network upgrade, a wayleave through No. 18, or works in the public lane.

Ask DLRCC to require a Confirmation of Feasibility before any grant. A condition that the applicant "agree a connection later" leaves a capacity question off the public file.

4.8.2 Drainage report does not close out the lane sewer

The O'Reilly report (10 August 2026, ref. 26/015 PR1a) addresses the new house. Our clients and their neighbours are aware of an existing problematic sewer. The report should show connection points, capacity, residual flood risk with climate change, and that the new load will not surcharge Beeches Park or Station Road (where the infrastructure is old). If that demonstration is not in the report. DLRCC water-services policy is not addressed by this planning application.

4.8.3 Attenuation and SuDS are not shown to the Development Plan standard

Chapter 10 and DLRCC's SuDS requirements ask for site-specific attenuation, a treatment train, climate-change allowance, and a maintenance plan. The O'Reilly report and drawing 106 should be checked against that list. Unless the report contains:

- impermeable area and runoff calculations for the house, parking and paving,
- attenuation volume and discharge rate to greenfield or to the approved limit,
- climate-change uplift,
- where water goes if the system surcharges, and
- who maintains the SuDS,

then water policy is not discharged. Permeable paving on a drawing is not a full SuDS design. Our clients' concern is the existing sewer. Attenuation that still connects a new four-bed house into a stressed combined system, without Uisce Éireann confirmation, leaves residual flood and surcharge risk on Beeches Park and Station Road.

4.9 Private open space for both dwellings is not demonstrated

Section 12.3.7.6 requires the existing house and the new four-bedroom house each to have at least 60 sq.m of private open space, exclusive of parking. The drawings do not tabulate the residual garden of No. 18 after subdivision, nor the usable garden of the new house once two cars and the building footprint are removed. Without those figures the backland standard cannot be signed off.

5.0 Zoning & designations

In the Dún Laoghaire-Rathdown County Development Plan 2022–2028 the site is zoned Objective A — To protect and/or improve residential amenity. Residential development is permitted in principle. That

principle is not a permission to injure the amenity the zoning exists to protect. 6 Station Road is in the same zone.

The site lies in an Architectural Conservation Area (the Marlborough Road / Glenageary ACA as identified on the Plan maps). ACA designation requires development to preserve or enhance the character of the area, including plot pattern, gardens, trees and boundary walls. There is no conservation assessment of this scheme.

This is not a lane on which mews development is permitted in principle. PHP22 and Section 12.3.7.9 apply to suitable historic stable lanes where that suitability is indicated. Beeches Park is not shown on the zoning map as such a lane. No house has been built in the rear garden of a Marlborough Road property in this ACA. The correct Development Plan tests are therefore backland development (Section 12.3.7.6) and protection of existing amenity (PHP20), read with the ACA policies and the Compact Settlements Guidelines.

No. 18 Marlborough Road is an existing house in the ACA whose garden would be subdivided. That house and its setting should have been architectural conservation impact assessed. They have not.



Fig. 33: The 'A' – 'Residential' zoning of the site and of No. 6 Station Road

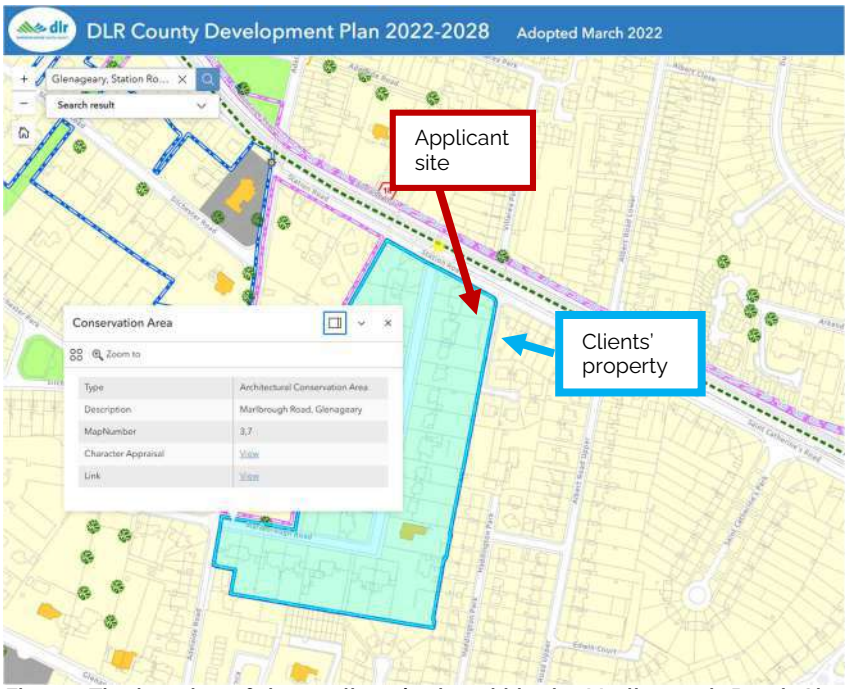


Fig. 34: The location of the applicant's site within the Marlborough Road, Glenageary ACA. The Marlborough Road Architectural Conservation Area (ACA) in Glenageary, Dún Laoghaire was officially adopted by the council on March 10, 2022, as part of the Dún Laoghaire–Rathdown County Development Plan 2022–2028.

6.0 Planning history

6.1 The application site

BPS has found no planning history on the DLRCC search for a house in the rear garden of No. 18 Marlborough Road. The land is a private garden. It is not a vacant plot, and it is not a mapped mews site under the Development Plan. The only structure shown for removal is a greenhouse which forms part of an historic rear garden serving a dwelling located in an ACA.

6.2 Pattern on Beeches Park and Marlborough Road

There are no two-storey houses in the rear gardens of Marlborough Road properties in this ACA. The lane has not been built out as a mews street nor is it designated as a mews lane under the Development Plan. There are two cases which must be reviewed by DLRCC in assessing this planning application. These are reviewed below.

6.2.1 No. 16 obtained permission in 2014 for a single storey dwelling

Under planning application reg. ref. D14A/0779 the owners of No. 16 Marlborough Road, Glenageary, Co. Dublin applied for permission for: "1. A single storey house of 156.5m2 and 2. Access from Beeches Park and 3. Ancillary site works to the rear. This is a Conservation Area." DLRCC refused planning permission for the following reasons:

1. *The proposed development, by reason of its scale, layout and proximity to the directly adjoining site boundaries would result in overdevelopment of the subject site and would, therefore, unduly impact on the residential amenity of the adjoining dwellings and if permitted would set an undesirable precedent for similar development in the area. The proposed development would, therefore, seriously injure the amenities and/or depreciate the value of property in the vicinity and would, thereby, be contrary to the proper planning and sustainable development of the area.*

2. *It is considered that the proposed vehicular access at 5.1 metres wide and the width and depth of the proposed off-street car parking spaces would not be in accordance with Section 16.10.9 of the 2010-2016 Dún Laoghaire-Rathdown County Development Plan and would therefore endanger public safety by reason of a traffic and pedestrian hazard. The proposed vehicular access and parking arrangement would, therefore, be contrary to the proper planning and sustainable development in the area.*

This decision was appealed to the Commission under appeal reg. ref. PL06D.244544. Permission was granted for the reasons set out in Fig. 38. This decision pre-dated the Marlborough Road, Glenageary ACA.

That is the ceiling this lane has been given by the Commission: a low house, not a 7.44 metre elevation on the party wall. This permission granted a bungalow not a two storey house.

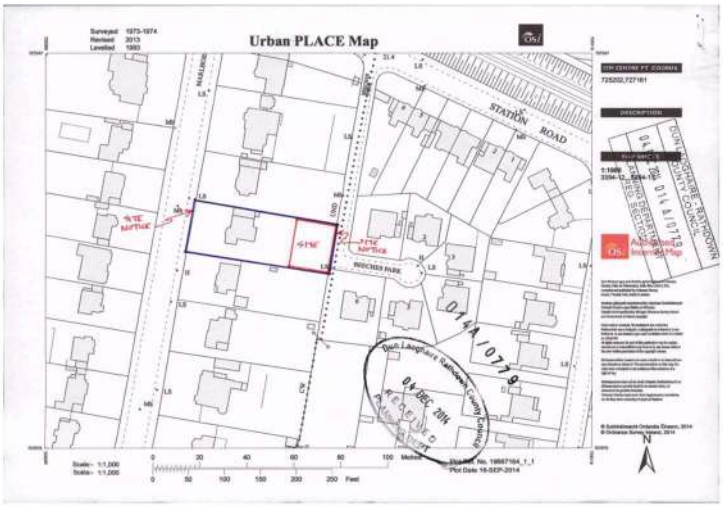


Fig. 35: Plans submitted under planning application reg. refs. D14A/0779 & PL06D.244544

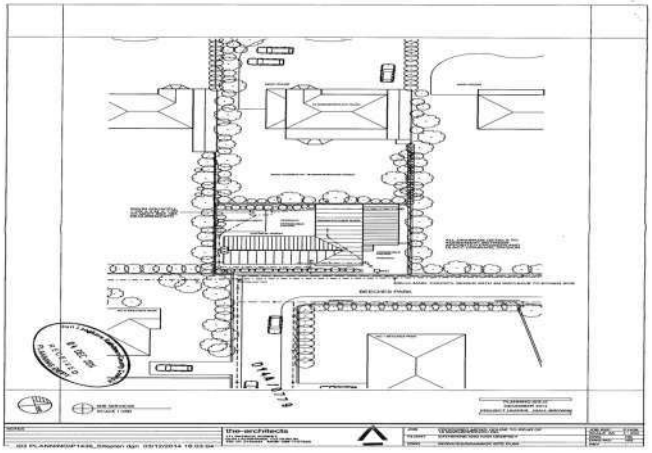


Fig. 36: Plans submitted under planning application reg. refs. D14A/0779 & PL06D.244544

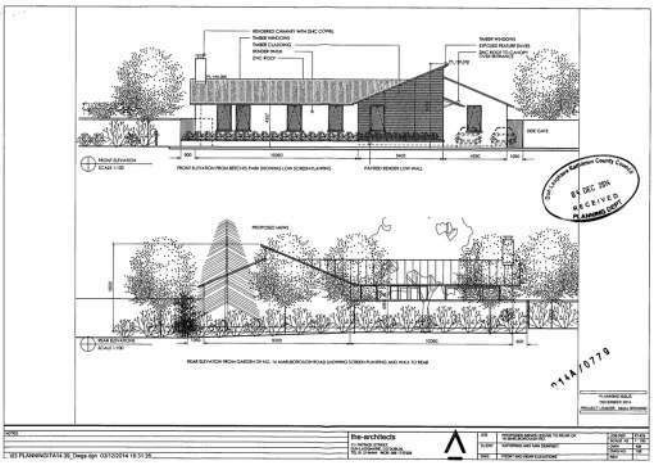
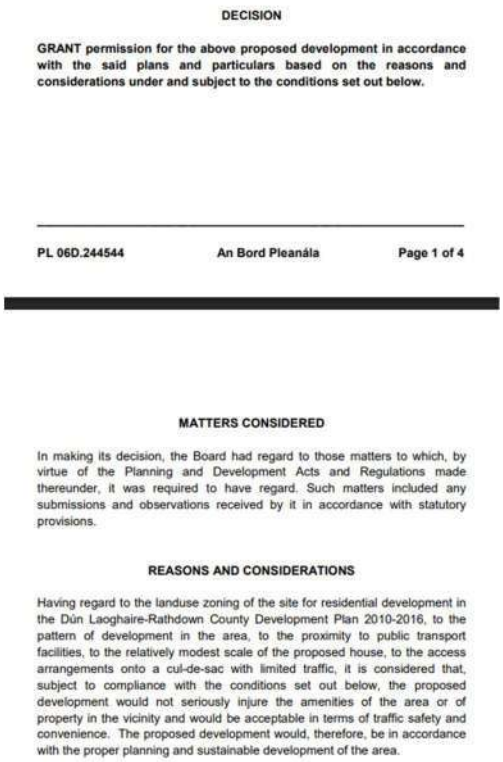


Fig. 37: Plans submitted under planning application reg. refs. D14A/0779 & PL06D.244544



DECISION

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

PL 06D.244544 **An Bord Pleanála** **Page 1 of 4**

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 the landuse zoning of the site for residential development in the Dún Laoghaire-Rathdown County Development Plan 2010-2016, to the pattern of development in the area, to the proximity to public transport facilities, to the relatively modest scale of the proposed house, to the access arrangements onto a cul-de-sac with limited traffic, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Fig. 38: Excerpt from the Commission's Order issued under appeal reg. ref. D14A/0779

6.3 Refusal at 13 Marlborough Road - D21A/1057 / ABP-312909-22 (Crevamor)

Permission was sought for a part two-storey, three-bedroom house of 188 sq.m in the rear garden of No. 13 Marlborough Road, in the (then candidate) ACA, with works to walls and trees.

DLRCC refused. The reason was as follows:

1. *The front portion of the subject site at 13 Marlborough Road is located within the Marlborough Road candidate Architectural Conservation Area (cACA) in the Dun Laoghaire Rathdown County Development Plan, 2016-2022. The proposed development to the rear of the site, by reason of its size, and siting in such close proximity to the site boundaries and the proposed removal of trees, particularly along the site boundaries and roadside frontage, would negatively impact on the visual amenity of the area and the character of the streetscape. The proposed development would not, therefore, preserve or enhance the established character of the streetscape, would significantly detract from the architectural character and significance of the Marlborough Road candidate ACA, and would thereby be contrary to Policy AR17: Development within a cACA of the Dun Laoghaire Rathdown County Development Plan, 2016-2022. Furthermore, the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity, by reason of loss of existing planting, and separation distances between existing and proposed buildings and heights, thereby significantly detracting from the streetscape and the character of the area. The proposed development would not, therefore, be in accordance Section 8.2.3.4 - Additional Accommodation in Existing Built-up Areas, (v) Backland Development and (vii) Infill, of the current County Development Plan 2016-2022. In addition, the proposed development would set an undesirable precedent for similar type development in the area. The proposed development would, therefore, be contrary to the provisions of Dún Laoghaire Rathdown County Development Plan 2016-2022, and to the proper planning and sustainable of the area.*

The DLRCC decision was appealed to the Commission under appeal reg. ref. PL06D.312909 which refused planning permission on 11/5/2023 for the reason set out in Fig. 42. The Planning Inspector noted that the house permitted at No. 16 was single storey only and accessed from Beeches Park, and that the No. 13 scheme was not the same. The Planning Inspector noted the following points which are relevant to DLRCC's assessment of the current planning application:

- ***On the only Beeches Park permission - single storey:*** "The dwelling permitted at 16 Marlborough Road is single storey only and is accessed from Beeches Park to the rear. This is unlike the proposal at No 13 Marlborough Road." (p. 13). It is therefore unclear why the applicant has lodged the current planning application for a 7.44 m tall house on the same lane.

- DLRCC refusal reason (quoted in full in the report, pp. 5–6):

  The development to the rear, "by reason of its size, and siting in such close proximity to the site boundaries and the proposed removal of the trees … would have a negative impact on the visual amenity of the area and the character of the streetscape."

  It would "significantly detract from the architectural character and significance of the Marlborough Road candidate ACA."

  It would "seriously injure the amenities and depreciate the value of property in the vicinity, by reason of loss of existing planting and separation distances between existing and proposed buildings and heights."

  It would not accord with backland and infill standards "and would set an undesirable precedent for similar type of development in the area."

- ***ACA is stricter than ordinary infill:***

  "The subject site is located within a designated ACA (Marlborough Road). The guidance for development in ACAs is more onerous than general infill sites." (p. 14)

  "The entire site is now located within a designated ACA." (p. 15) - same is true of No. 18.

- ***Plot character and gardens***

  "The established character of those plots along Marlborough Lane are one of large, detached dwellings within generous plots with mature trees and hedging. The appraisal for the ACA … highlights these characteristics as features of interest and I have concerns that the removal of the entire rear garden of the existing dwelling … which requires the substantial removal of mature trees would have a negative impact on the special characteristics of the ACA" (7.2.8).

- ***National ACA guidance on infilling gardens:***

  "Having regard to the national guidance for development in ACA, which restricts the infilling of gardens in ACAs … I do not consider the proposal represents an appropriate form of development in a designated ACA" (7.2.12).

- ***Trees and access:***

  "The extensive tree removal necessary to accommodate the relocation of the entrance and provide access to the rear for the new dwelling … will significantly alter the character and streetscape." (7.2.9).

- ***Design quality in the ACA:*** "The design and layout of the proposed dwelling is not, in my opinion, of a high architectural quality. … I do not consider the proposed dwelling contains any features of interest which reflect the location within a designated ACA" (7.2.10).

- ***Recommended Board reason (p. 18):***

  "Having regard to the existing character and the prevailing pattern of development, the site location within an Architectural Conservation Area, it is considered that the proposed development, by reason of its overall design and layout, and relocation of the existing entrance, which requires the removal of a significant number of trees on the site and in the public realm, would be out of scale with its surroundings, would seriously detract from the architectural character and setting along Marlborough Road and of the streetscape generally. The proposed development would, therefore, materially, and adversely affect the character of the Marlborough Road Architectural Conservation Area, would be contrary to Policy Objective HER13 … and would be contrary to the proper planning and sustainable development of the area."

- ***No. 18 is the next garden but one pattern:*** The Inspector treated Beeches Park as suitable only for the single-storey house at No. 16. The current scheme is taller than the refused house at No. 13 (7.44 m against 7.02 m), sits on the public wall, and has no tree report. HER13 still applies. The "undesirable precedent" sentence in DLRCC's 2021 reason is the sentence you want copied into your refusal request.

The present application is closer in all respects to the refused No. 13 scheme than to the granted No. 16 scheme: two storeys, a new opening on Beeches Park, tree loss, and no conservation assessment. If anything it is tighter - 0.036 ha, built to the lane wall, next to Station Road.

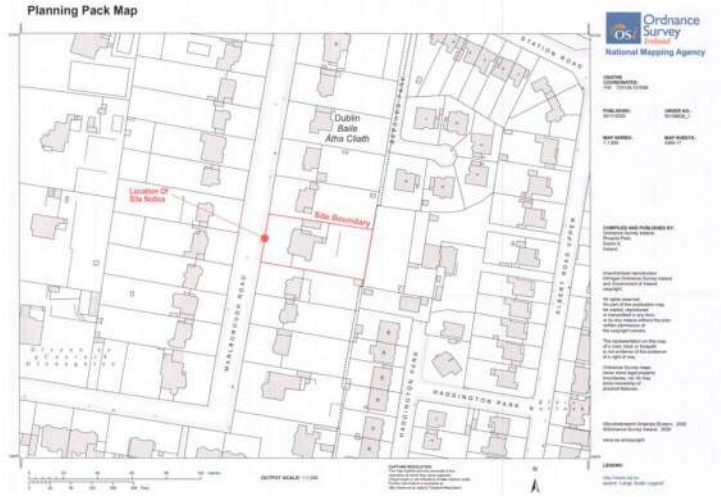


Fig. 39: No. 13 Marlborough Road - refused two-storey backland (D21A/1057 / ABP-312909-22)



Fig. 40: No. 13 Marlborough Road - refused two-storey backland (D21A/1057 / ABP-312909-22)

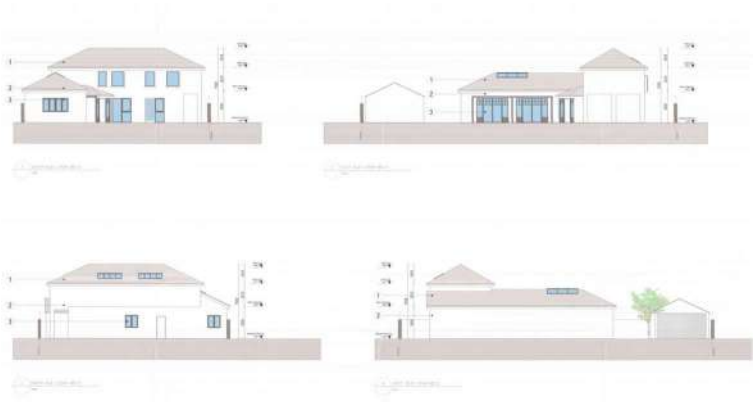


Fig. 41: No. 13 Marlborough Road - refused two-storey backland (D21A/1057 / ABP-312909-22

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 existing character and the prevailing pattern of development in the area, and the site location within an Architectural Conservation Area, it is considered that the proposed development, by reason of its overall design and layout, and relocation of the existing entrance, noting the requirement to remove a significant number of trees on the site and in the public realm to facilitate the proposed development, would be out of scale with its surroundings, would seriously detract from the architectural character and setting along Marlborough Road and of the streetscape generally. The proposed development would, therefore, materially and adversely affect the character of the Marlborough Road Architectural Conservation Area, would be contrary to Policy Objective HER13 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 in this regard and would be contrary to the proper planning and sustainable development of the area.

Patricia Calleary

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

Fig. 42: No. 13 Marlborough Road - refused two-storey backland (D21A/1057 / ABP-312909-22)

6.4 The applicant's Design Statement's claimed precedents do not exist

The Design Statement (section 2.6) says DLRCC and the Commission have already accepted houses in Marlborough Road rear gardens with access from Beeches Park, and that two- and three-storey backland houses are "clearly established." That is not an accurate account of the file on this road.

The cases the applicant cites:

- ***D14A/0779 / PL06D.244544 - 16 Marlborough Road (see analysis above)***

  A single-storey house (ridge about 4.36 m), access from Beeches Park. The Commission granted it in 2015 **because it was single storey** and would not overlook. Inspector Mannion recorded that Beeches Park is characterised by single-storey development. The house was never built. A garden building was later retained under D25A/0970/WEB. A permission that was not implemented, for a bungalow, is not a precedent for a 7.44 m house on the party wall.

- ***D07A/0372 - 16 and 17 Marlborough Road***

  Three single-storey courtyard houses, access from Beeches Park. Again, **not two storeys**. That permission is almost twenty years old and has not been built out as three houses on the lane.

- ***Silchester Road grants (D13A/0427, D08A/1257, D13A/0099, D13A/0563, D23A/0531)***

  Different street, different plot pattern, not Beeches Park. Several pre-date the current Plan and the designation of the Marlborough Road ACA over the whole of these gardens. They do not decide this application.

- ***D18A/0912 - Green Gates, rear of 1 Marlborough Road***

  A different end of Marlborough Road, not this lane, and not a house built onto the public wall of Beeches Park at the Station Road junction. It is sited behind a stone wall and is set within a wholly different context.

The cases the applicant omits are those which undermine the proposal:

- ***D21A/1057 / ABP-312909-22 - 13 Marlborough Road (see analysis above)***

  DLRCC refused a part two-storey house of 7.02 m in a rear garden in this ACA. The Commission Inspector recommended refusal. DLRCC's reason was size, siting close to boundaries, tree loss, injury to the ACA, injury to amenity, conflict with backland and infill standards, and undesirable precedent. The Inspector said the house at No. 16 is "single storey only and is accessed from Beeches Park to the rear. This is unlike the proposal at No 13." She also said ACA guidance is "more onerous than general infill sites" and that national ACA guidance "restricts the infilling of gardens."

  The current house is taller than the house refused at No. 13 (7.44 m against 7.02 m), on a smaller site (0.036 ha against 0.1765 ha at No. 13), built to the lane wall, with trees marked for removal and no tree report. Omitting that decision from section 2.6 is not an oversight DLRCC can ignore

  Claims in the Design Statement that do not survive this planning decision:

  - The Statement says the ACA appraisal does not list rear gardens or garden walls, so the house can have "no effect" on the ACA. Inspector Hamilton found the opposite: generous plots, mature trees and hedging are the special character. HER13 still applies to the whole of No. 18.

  - The Statement says the house is sited away from neighbours and side boundaries. The Beeches Park elevation replaces the party wall and sits on the lane, on or over DLRCC's half of that wall, as close as the plot allows to Station Road and to 6 Station Road.

  - The Statement offers a shadow study of Nos. 17 and 19 Marlborough Road. It does not assess 6 Station Road. It is not a BRE 209 neighbour pack.

  - The Statement gives 199 sq.m of garden to the new house and 1,070 sq.m left to Warriston, with a 20 m gap to the rear of No. 18. Section 12.3.7.6 still looks for 22 m where first-floor habitable windows face the existing house, and for a single-storey form to avoid overlooking. A 20 m figure and a two-storey lane elevation do not meet that test.

Precedent on this lane is a single-storey house that was never built, and a 2007 grant for single-storey houses. Precedent on this road in this ACA is a refusal of a two-storey backland house at No. 13, affirmed in the Inspector's recommendation to the Commission. Silchester Road and Green Gates do not rewrite HER13 or Section 12.3.7.6 for Beeches Park. The Design Statement's precedent section is selective. DLRCC should prefer its own 2022 decision at No. 13.

6.5 Other DLRCC and Commission refusals of two-storey backland / lane housing

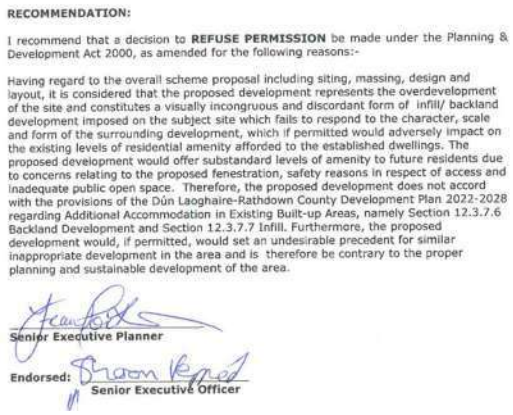
The same logic as issued by DLRCC and the Commission as regards No. 13 Marlborough ROad's refused planning application and appeal has been applied elsewhere under Section 12.3.7.6:

- ***Reg. refs. D21A/0941 & ABP-312530:*** refusal where a backland house did not meet the Plan's backland standards and would set an undesirable precedent at 76, Patrick Street, Dun Laoghaire, Co Dublin.

- ***D22A/0638 / ABP-315065:*** refusal over proximity to boundaries, massing and design contrary to Sections 12.3.7.6 and 12.3.7.7, undesirable precedent at "Southwinds", Ulverton Road, Dalkey, Co. Dublin.

- ***Reg. refs. D25A/0361/WEB & ACP-323158-25 (rear of 16 St Fintan's Villas):*** DLRCC refused a two-storey mews terrace for overdevelopment, injury to amenity, character and traffic safety on a constrained lane. This was then granted by the Commission on appeal.

- ***D18A/0298 (Castle Mews / Albany Avenue):*** two two-storey houses, new entrances, loss of boundary wall: refused for overbearing, overlooking, inadequate open space and harm to ACA / streetscape. The wall point is the same issue as Beeches Park.



RECOMMENDATION:

I recommend that a decision to **REFUSE PERMISSION** be made under the Planning & Development Act 2000, as amended for the following reasons:-

Having regard to the overall scheme proposal including siting, massing, design and layout, it is considered that the proposed development represents the overdevelopment of the site and constitutes a visually incongruous and discordant form of infill/ backland development imposed on the subject site which fails to respond to the character, scale and form of the surrounding development, which if permitted would adversely impact on the existing levels of residential amenity afforded to the established dwellings. The proposed development would offer substandard levels of amenity to future residents due to concerns relating to the proposed fenestration, safety reasons in respect of access and inadequate public open space. Therefore, the proposed development does not accord with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 regarding Additional Accommodation in Existing Built-up Areas, namely Section 12.3.7.6 Backland Development and Section 12.3.7.7 Infill. Furthermore, the proposed development would, if permitted, would set an undesirable precedent for similar inappropriate development in the area and is therefore be contrary to the proper planning and sustainable development of the area.

Senior Executive Planner

Endorsed: Senior Executive Officer

Fig. 43: Extract from DLRCC decision reg. ref. D25A/0361/WEB - lane safety and backland overdevelopment

6.6 History conclusion

The planning history does not give this scheme a foothold. It takes it away. No. 16 Marlborough Road, is for a single-storey house. It is not a precedent for a 7.44 m elevation on the party wall. It is evidence against that height. Grants outside this ACA, or to houses on mapped mews lanes, those sites are not Beeches Park. PHP22 does not apply in principle here. The zoning map does not mark this lane for mews housing.

The applicant points to Compact Settlements and to "infill" in the abstract - the Commission has already held on this road that backland and ACA tests must still be applied. National density policy does not erase an ACA, a rear garden, a Council wall, or a lane that was never designed as a residential street.

The history is not neutral. It is adverse:

- This site has no permission for a house.
- The only built or permitted backland house on this lane is single storey.
- A two-storey house in a Marlborough Road rear garden in this ACA has already been refused at No. 13.
- Dún Laoghaire-Rathdown and the Commission have refused comparable two-storey backland schemes for amenity, precedent, open space, walls and lane safety.

This planning application asks DRLCC to reverse that pattern on a smaller site, on higher ground relative to 6 Station Road, and on its own wall. The history does not support a grant. It explains why a refusal would be consistent. DLRCC should not be the first authority to break that line.

7.0 Grounds for objection

7.1 Ground 1: The principle of this house on this lane should not be accepted

The site is zoned Objective A: to protect and/or improve residential amenity. A house is permitted in principle only where the policies and standards of the Plan are met. Section 13.1.3 of the Plan is clear that "permitted in principle" means acceptable subject to compliance with those policies, standards and requirements.

This application does not comply. The principle that fails is not "a house somewhere in Glenageary." It is a two-storey, 7.44 metre, four-bedroom house, built to the public wall of Beeches Park, on a 0.036 hectare slice cut from an ACA garden, with a new gate on double yellow lines at the Station Road junction.

That is backland development under Section 12.3.7.6. It is not a mapped mews lane under PHP22 and Section 12.3.7.9. There is no house in any other Marlborough Road rear garden in this ACA that presents two storeys to Beeches Park. The only permission the Commission has granted on this lane (D14A/0779) was single storey, and it was never built. The only recent two-storey backland house on this road in the ACA (D21A/1057 / ABP-312909-22, No. 13) was refused for size, siting, trees, ACA harm and precedent. This scheme is taller than that refusal, on a smaller site, and sits on the lane wall.

Objective A is not satisfied. The scheme would not protect the amenity of 6 Station Road or of Beeches Park. It would not protect the plot pattern, wall and trees that are the character of this part of the Marlborough Road ACA. HER13 requires development in an ACA to respect that character. Inspector

Hamilton held that ACA tests are more onerous than ordinary infill and that national guidance restricts the infilling of gardens. The Design Statement's claim of "no effect" on the ACA is not an assessment.

The following in-principle objections arise:

- The proposal is the wrong typology for an unmapped lane: two storeys on the party wall, not the single-storey backland form Section 12.3.7.6 generally requires.
- It depends on subdividing an ACA house plot, breaking a wall that is partly DLRCC's, and removing trees, none of which is properly described or assessed.
- It would set the precedent DLRCC already refused at No. 13.
- It would seriously injure the amenities of 6 Station Road and of the lane, and would depreciate the value of property in the vicinity (Fourth Schedule, reason 10(c)).
- It is contrary to Objective A, PHP20, PHP22, Sections 12.3.7.6 and 12.3.7.9, HER13, and the Compact Settlements Guidelines as they apply to existing occupiers.

A house can be considered on zoned land. This house, in this position, on this lane, should not. DLRCC is asked to refuse the principle.

7.2 Ground 2: The proposal is contrary to planning & conservation policy

7.2.1 Section 82, the Architectural Heritage Protection Guidelines (2011) and HER13

The site is in the Marlborough Road Architectural Conservation Area. Section 82 of the Planning and Development Act 2000 requires development in an ACA to preserve or enhance the character of the area. The 2011 Guidelines require new work to respect grain, scale, building lines, materials, plots, trees and boundary treatments. Policy Objective HER13 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 adopts that test and requires proposals to have regard to the ACA Character Appraisal.

This scheme does not preserve or enhance the ACA. It would be the first two-storey house in a Marlborough Road rear garden presenting to Beeches Park. It would take down a continuous lane wall, occupy that wall line with a 7.44 metre elevation and first-floor windows, remove mature trees, and cut 0.036 hectares from the garden of Warriston. There is no conservation report. The Design Statement says rear gardens and walls are not listed in the Appraisal, so the house can have "no effect." That is not the test.

Inspector Hamilton in ABP-312909-22 held that the special character of these plots is "large, detached dwellings within generous plots with mature trees and hedging" and that national guidance "restricts the infilling of gardens in ACAs." She held that ACA policy is "more onerous than general infill sites." DLRCC's own refusal at No. 13 was that a two-storey rear house, close to boundaries, with tree loss, would "significantly detract from the architectural character" of this ACA and would set an "undesirable precedent."

7.2.2 Development Plan policies and objectives relevant to this case

The following Development Plan policies and objectives are relevant to this case:

- ***HER1:*** protect, conserve and enhance architectural heritage.
- ***HER13 / HER14:*** development in an ACA must be appropriate to the character of the area.
- ***HER20 / HER21:*** buildings and settings of heritage interest, including nineteenth- and twentieth-century fabric that contributes to streetscape.
- ***Section 12.11 / 12.7.3:*** trees, landscape and site features that contribute to character are to be identified and retained.
- ***Section 12.3.7.6:*** backland houses generally single storey.
- ***PHP22 / Section 12.3.7.9:*** mews only where the lane is suitable. This lane is not mapped for that use.
- ***CA6 / Section 12.2.1:*** preference for repair and reuse of existing residential settings over scorched-earth subdivision.

7.2.3 Instances of non-compliance

The following instances of non-compliance with the policies and objectives listed above arise:

- ***Subdivision of an ACA plot with no assessment:*** Works that alter the curtilage of No. 18, the Beeches Park wall and the tree setting require permission in this ACA and require a heritage appraisal. They are not in the notices. They are not assessed.

- ***Loss of the lane wall:*** The wall is the historic enclosure of the garden. Half of it is understood to be DLRCC's. Replacing it with a house elevation is the opposite of the Guidelines' advice on boundary treatments. It is the same class of harm as the wall loss that contributed to refusals at No. 13 and at D18A/0298.

- ***Infilling a heritage garden:*** The Appraisal and the Inspector at No. 13 treat generous planted plots as part of the special interest. Drawing 107 marks trees for removal. There is no Arborist Report.

- ***Scale and position:*** A 7.44 metre house on the public boundary is not "diminutive." It is taller than the house refused at No. 13 (7.02 m). It is built as close as the site allows to Station Road and to 6 Station Road.

- ***No Heritage Impact Assessment:*** Photomontages in the Design Statement do not replace an ACA appraisal, key views from Station Road and Beeches Park, or an assessment of cumulative pressure on the remaining gardens.

7.2.4 Conclusion on Ground 2

Having regard to the Marlborough Road ACA, to Section 82, to the 2011 Guidelines, to HER13, and to DLRCC's and Inspector's findings at No. 13 Marlborough Road, the subdivision of this garden, the demolition of the lane wall, the loss of trees and the insertion of a two-storey house on the public boundary would materially harm the character of the ACA. The development would be contrary to HER1, HER13, HER20, Sections 12.3.7.6 and 12.7.3, PHP22, and the proper planning and sustainable development of the area. Permission should be refused.

7.3 Ground 3: The proposal is contrary to planning policy

7.3.1 How the policies are to be read

Objective A zoning does not decide this application. Section 13.1.3 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 states that uses which are "Permitted in Principle" are "generally acceptable" only "subject to compliance with the relevant policies, standards and requirements set out in this Plan." The relevant requirements here are PHP20, PHP22, Section 12.3.7.6, Section 12.3.7.9, HER13, the Building Height Strategy, and the Compact Settlements Guidelines for Planning Authorities (2024). Each is set out below and applied to the submitted drawings and details.

7.3.2 Compact Settlements Guidelines 2024

Section 3.3.1 / 3.3.3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 list the priorities for city and metropolitan growth. After compact growth itself, they include: "(b) protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality."

Section 3.4 requires density ranges to be refined by "character, amenity and the natural environment."

Section 3.4.2 states: "New development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment."

It goes on: "Historic environments (built and landscape heritage) can be particularly sensitive to change."

And: "In considering impact on character and amenity as part of the assessment of a planning application, it will be important to detail the evaluation process and to draw clear and reasoned conclusions in relation to the nature and extent of potential impacts."

Section 5.3.7 (Daylight) states that it is "important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties" and that a technical assessment should have regard to BRE Guide 209 (2022) where buildings are close together or higher buildings are involved.

Section 5.9.1 states that the design approach should be based on "the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities."

Assessment of the applicant's planning application

The Design Statement does not carry out that evaluation. It asserts "no effect" on the ACA. It offers shadow diagrams for Nos. 17 and 19 Marlborough Road. **It does not assess 6 Station Road**. It does not apply BRE 209. A 7.44 metre house on the public wall of an ACA garden, on an unmapped lane, is a significant negative impact on historic character and on adjoining amenity. The Guidelines do not support it. SPPR 1 does not displace HER13 or Section 12.3.7.6.

7.3.3 Dun Laoghaire-Rathdown Development Plan 2022-2028

7.3.3.1 Policy Objective PHP20 — Protection of Existing Residential Amenity

Policy Objective PHP20 states: "It is a Policy Objective to 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."

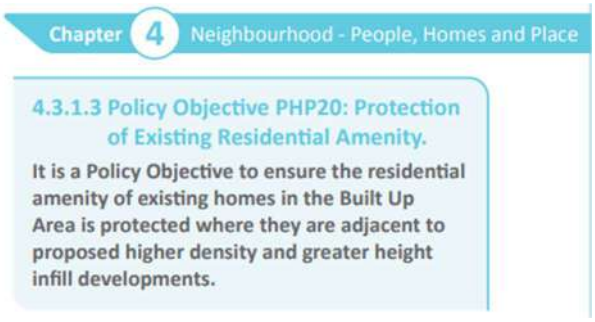


Fig. 44: Policy Objective PHP20: Protection of Existing Residential Amenity of the CDP

Assessment of the applicant's planning application

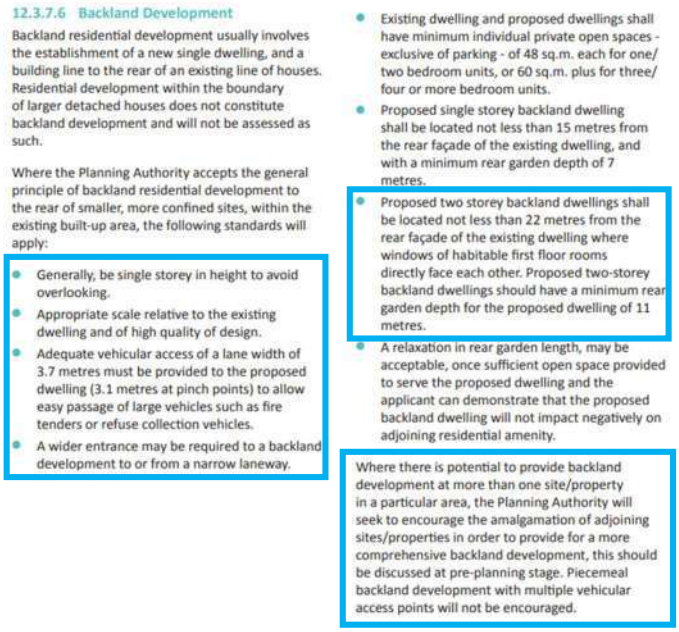
6 Station Road is adjacent in the only sense that matters. It stands immediately north of the Beeches Park / Station Road junction. The existing garden of No. 18 is on lower ground. The proposed house would be built up toward that junction, two storeys, 7.44 metres, with first-floor windows and a vehicle gate on the lane, with no footpath on the applicant side of the lane and no screening. Headlights, reversing, overlooking and overbearing would fall on our clients. Those are the adverse residential and visual amenity impacts Policy Objective PHP20 is written to prevent.

The proposal is non-compliant with Policy Objective PHP20.

7.3.4 Section 12.3.7.6 - Backland Development

The Development Plan states that backland development usually involves a new single dwelling to the rear of an existing line of houses. Where the principle is accepted on smaller, confined sites:

- development should "Generally, be single storey in height to avoid overlooking";
- there should be "Appropriate scale relative to the existing dwelling and of high quality of design";
- first-floor windows facing the existing house require a separation in the order of 22 metres;
- each dwelling requires a minimum of 60 sq.m of private open space, exclusive of car parking; and
- the lane should be 3.7 metres wide (not less than 3.1 metres at a pinch point) and capable of taking a fire tender or refuse vehicle.



12.3.7.6 Backland Development

Backland residential development usually involves the establishment of a new single dwelling, and a building line to the rear of an existing line of houses. Residential development within the boundary of larger detached houses does not constitute backland development and will not be assessed as such.

Where the Planning Authority accepts the general principle of backland residential development to the rear of smaller, more confined sites, within the existing built-up area, the following standards will apply:

- Generally, be single storey in height to avoid overlooking.
- Appropriate scale relative to the existing dwelling and of high quality of design.
- Adequate vehicular access of a lane width of 3.7 metres must be provided to the proposed dwelling (3.1 metres at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- A wider entrance may be required to a backland development to or from a narrow laneway.
- Existing dwelling and proposed dwellings shall have minimum individual private open spaces - exclusive of parking - of 48 sq.m. each for one/ two bedroom units, or 60 sq.m. plus for three/ four or more bedroom units.
- Proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- Proposed two storey backland dwellings shall be located not less than 22 metres from the rear façade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.
- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

Where there is potential to provide backland development at more than one site/property in a particular area, the Planning Authority will seek to encourage the amalgamation of adjoining sites/properties in order to provide for a more comprehensive backland development, this should be discussed at pre-planning stage. Piecemeal backland development with multiple vehicular access points will not be encouraged.

Fig. 45: Section 12.3.7.6 - Backland Development of the CDP

Assessment of the applicant's planning application

The proposal is non-compliant with Section 12.3.7.6:

- The house is two storeys and 7.44 metres high where single storey only could be accepted at this location, even *in principle.*
- The proposed two storey dwelling sits on the Beeches Park wall. First-floor windows face the lane and, at 20 metres on the applicant's own figure, face toward No. 18.
- Two parking spaces take up much of the frontage.
- No fire-tender or car swept-path analysis is provided.
- The lane has double yellow lines, a electricity pole and no usable footpath on the applicant side.
- The scheme fails the height test.
- The scheme fails the separation test,
- The scheme fails the open-space test as tabulated for both houses after parking, and the access test.

These are the standards DLRCC applied at No. 13 Marlborough Road (D21A/1057) and the standard Inspector Mannion applied when he described Beeches Park as characterised by single-storey development (PL06D.244544).

Finally, there is no amalgamation here. The application is a single 0.036 hectare slice of one garden, with its own new gate onto Beeches Park. Nos. 16, 17 and 19 retain their gardens. The Design Statement treats other rear gardens as precedent for more of the same. That is the piecemeal pattern the Plan says it will not encourage: one opening after another on a lane that already cannot take two cars. No pre-planning discussion of a comprehensive scheme for the Marlborough Road backs is on the file. A grant would make the next application harder to refuse. That is a further reason the principle in section 12.3.7.6 is not met.

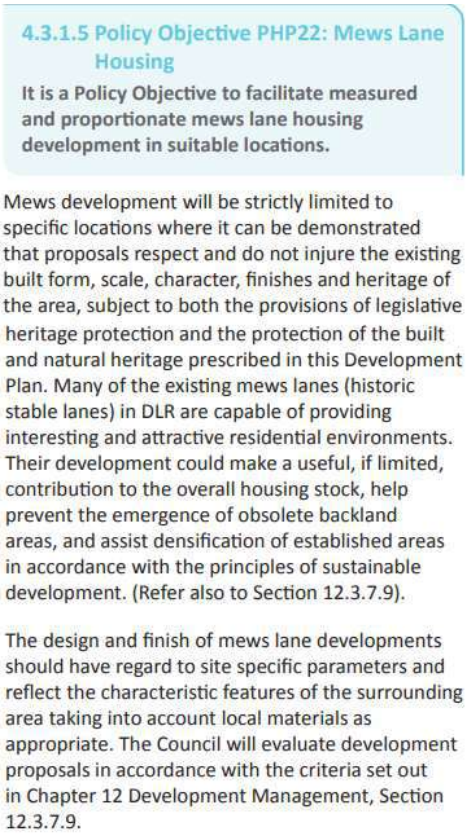
The proposal is non-compliant with Policy Objective PHP20.

7.3.5 PHP22 and Section 12.3.7.9 - Mews

Policy Objective PHP22 supports mews development on suitable historic stable lanes where that suitability is established. Section 12.3.7.9 sets the detailed tests for those lanes.

Assessment of the applicant's planning application

Beeches Park is not shown on the zoning map as a mews lane. No two-storey house presents to this lane from a Marlborough Road garden in the ACA. The applicant cannot elect the mews chapter because a gate is proposed. The correct chapter is 12.3.7.6 (see below).



4.3.1.5 Policy Objective PHP22: Mews Lane Housing

It is a Policy Objective to facilitate measured and proportionate mews lane housing development in suitable locations.

Mews development will be strictly limited to specific locations where it can be demonstrated that proposals respect and do not injure the existing built form, scale, character, finishes and heritage of the area, subject to both the provisions of legislative heritage protection and the protection of the built and natural heritage prescribed in this Development Plan. Many of the existing mews lanes (historic stable lanes) in DLR are capable of providing interesting and attractive residential environments. Their development could make a useful, if limited, contribution to the overall housing stock, help prevent the emergence of obsolete backland areas, and assist densification of established areas in accordance with the principles of sustainable development. (Refer also to Section 12.3.7.9).

The design and finish of mews lane developments should have regard to site specific parameters and reflect the characteristic features of the surrounding area taking into account local materials as appropriate. The Council will evaluate development proposals in accordance with the criteria set out in Chapter 12 Development Management, Section 12.3.7.9.

Fig. 46: section 4.3.1.5 Policy Objective PHP22: Mews Lane Housing

7.3.6 Policy Objective HER13 - Architectural Conservation Areas

Policy Objective HER13 is a policy objective to protect the special character of ACAs and to ensure that all development proposals within an ACA are appropriate to that character, having regard to the Character Appraisal.

Assessment of the applicant's planning application

Planning Inspector Hamilton assessing planning appeal reg. ref. ABP-312909-22 held that these plots are "large, detached dwellings within generous plots with mature trees and hedging," that ACA guidance is "more onerous than general infill sites," and that national guidance "restricts the infilling of gardens in ACAs."

DLRCC refused a 7.02 metre rear house at No. 13 for size, siting, trees, ACA harm and precedent.

This house is taller, on a smaller site, on the public wall, with trees marked for removal and no tree report. It does not comply with HER13.

7.3.7 Building Height Strategy and PHP42

The Building Height Strategy (Appendix 5) and PHP42 require high-quality design and compliance with the Strategy. BHS 3 addresses residual suburban areas. Buildings that are significantly taller than the prevailing height are assessed against the performance criteria in Table 5.1, including integration with character and public realm, response to edges, neighbouring amenity, daylight and overshadowing.

Assessment of the applicant's planning application

The prevailing building height on this frontage is a wall of about 1.2 to 1.7 metres. The only permitted house on the lane was single storey (see Section 7.0 of this report). A 7.44 metre elevation on the party wall is increased height. It does not integrate with the lane, does not respect 6 Station Road, and has not been tested for daylight. Table 5.1 'Performance Based Criteria' of the BHS (see Appendix 5 of the CDP) is not addressed.



Fig. 47: Policy Objective PHP42: Building Design & Height

7.3.8 Section 12.3.7 - general residential criteria

Section 12.3.7 (Additional Accommodation in Existing Built-up Areas) requires acceptable density and layout, quality of elevations, privacy and amenity (overbearing, overlooking, sunlight and daylight), and regard to context – see Fig. 48 for the full planning criteria which DLRCC must apply to this proposal were it to consider it to be a mews application.

Assessment of the applicant's planning application

This proposal is for a four-bedroom house and two car parking spaces on a 0.036 hectares site. Built to both the lane and the Station Road end of the garden, is overdevelopment of the site. At the extreme end of non-compliance, the lane elevation puts habitable rooms onto yellow lines on the side of a laneway with no footpath on the applicant side of the lane. Privacy and daylight at 6 Station Road have not been measured. The context is an ACA garden, not a street. The context has never been found by DLRCC or the Commission to support a two storey dwelling proposal in the manner or even in a like manner to what is now submitted.

Section 12.3.7 is the chapter that decides this application. The scheme does not meet its requirements. The full list of non-compliance concerns arising is as follows:

Non-compliance with Section 12.3.7 (Additional Accommodation in Existing Built-up Areas)

Section 12.3.7 as a whole / PHP19 framework:

- Infill and backland housing is to respect or complement the established dwelling type and character of the area. **A two-storey house on the Beeches Park wall does not.**
- Mews and other infill must not detract from existing buildings and adjoining amenities (cross-ref. 12.3.7.9). **This scheme would.**
- Backland development is to be co-ordinated on suitable sites that can protect adjoining amenities. This is a single slice of one garden.
- New development must not seriously reduce the amenity of nearby dwellings. 6 Station Road would take the elevation, windows and gate.

Section 12.3.7.5 Corner / side garden parameters (the Plan says 12.3.7.7 infill is to be read with these)

- Size, design and layout relative to the existing dwelling and immediately adjacent properties – **these requirements are not met.**
- Impact on the amenities of neighbouring residents - **not assessed by the applicant for 6 Station Road (no BRE study). BPS can confirm that overbearing/visual obtrusion/visual intrusion, overlooking, and overshadowing concerns arise.**
- Development Plan standards for existing and proposed dwellings – **the residual garden of No. 18 is not tabulated against the 60 sq.m rule after subdivision.**
- Car parking for existing and proposed dwellings on site - **two new car parking spaces are proposed on the lane. No demonstration has been made that No. 18 keeps adequate parking or that the proposed dwelling's parking is technically acceptable.**

- Side / gable and rear access and maintenance space – **the house is proposed on the party wall (as set out above).**

- Adequate usable private open space for both dwellings - **not demonstrated exclusive of parking.**

- Visual harmony, finishes and boundary treatments - **lane wall replaced by a house elevation is not acceptable.**

- Existing boundary treatments to be retained or reinstated where possible - **the Beeches Park wall is to be removed which is unacceptable.**

- First-floor windows on gables close to boundaries - **first-floor windows open onto the lane, yellow lines and no footpath on the applicant side of the lane. This is unacceptable.**

Section 12.3.7.6 Backland development

- Development within the boundary of a larger detached house is not to be assessed as ordinary backland in the Plan's opening sentence - **even if DLRCC treats this as backland, the stricter confined-site tests then apply.**

- Generally single storey to avoid overlooking - **the house is two storeys and 7.44 m and overlooks our clients' property.**

- Appropriate scale relative to the existing dwelling and high-quality design - **taller than the house refused at No. 13 and it is proposed to be built to the public wall.**

- Vehicular access of 3.7 m lane width (3.1 m at a pinch) for fire tenders and refuse vehicles – **this is not demonstrated. The applicant has not addressed the issues of the yellow lines, the electricity pole, or the need for swept-path analayis.**

- Wider entrance may be required from a narrow laneway - **not designed, the opening sits on the pinch.**

- Minimum private open space 60 sq.m exclusive of parking for each four-bedroom house – **this is not tabulated for both dwellings after two cars and the footprint. The private open space for the proposed dwelling is to the side of the dwelling adjoining the laneway and the neighbouring property.**

- Two-storey backland dwelling not less than 22 m from the rear façade of the existing house where first-floor habitable windows face each other – **the applicant states 20 m. This needs to be measured by DLRCC.**

- Minimum rear garden depth 11 m for a two-storey backland house – **this is not shown as complying as the garden is to the side of the dwelling and parking is proposed on one side of the dwelling.**

- Relaxation of garden length only if the applicant demonstrates no negative impact on adjoining amenity - **no such demonstration has been provided for 6 Station Road which will be overbeared, overlooked, and overshadowed.**

- Amalgamation of adjoining sites to be sought; piecemeal backland with multiple vehicular access points will not be encouraged - **one new gate is provided onto Beeches Park, no amalgamation, no pre-planning on a comprehensive scheme, etc.**

Section 12.3.7.7 Infill:

- Infill shall respect the height and massing of existing residential units - **the prevailing height on this frontage is a 1.2 to 1.7 m wall and single-storey pattern on the lane.**

- Infill shall retain the physical character of the area including boundary walls, trees, landscaping – **party wall to go, trees marked for removal on drawing 107, no arborist report.**

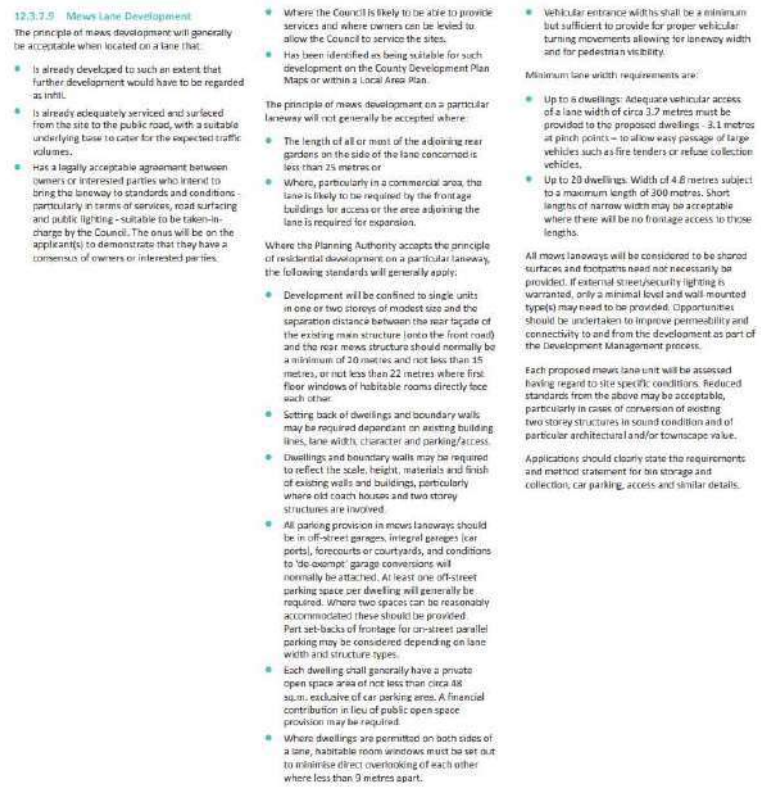
- The above two points apply with particular force to Victorian / early–mid 20th century suburban settings and is to be read with HER20 / HER21. The site is also in an ACA, so the test is higher still.

Section 12.3.7.9 Mews:

- Mews is limited to suitable historic stable lanes. **Beeches Park is not indicated on the zoning map.**

- Proposals must not injure built form, scale, character, finishes or heritage. **A two-storey elevation on the public wall would injure built form, scale, character, finishes and heritage**

Every operative test in Section 12.3.7 that applies to this site is failed.



12.3.7.9 Mews Lane Development

The principle of mews development will generally be acceptable when located on a lane that:

- Is already developed to such an extent that further development would have to be regarded as infill.
- Is already adequately serviced and surfaced from the site to the public road, with a suitable underlying base to cater for the expected traffic volumes.
- Has a legally acceptable agreement between owners or interested parties who intend to bring the laneway to standards and conditions - particularly in terms of services, road surfacing and public lighting - suitable to be taken-in-charge by the Council. The onus will be on the applicant(s) to demonstrate that they have a consensus of owners or interested parties.
- Where the Council is likely to be able to provide services and where owners can be levied to allow the Council to service the sites.
- Has been identified as being suitable for such development on the County Development Plan Maps or within a Local Area Plan.

The principle of mews development on a particular laneway will not generally be accepted where:

- The length of all or most of the adjoining rear gardens on the side of the lane concerned is less than 25 metres or
- Where, particularly in a commercial area, the lane is likely to be required by the frontage buildings for access or the area adjoining the lane is required for expansion.

Where the Planning Authority accepts the principle of residential development on a particular laneway, the following standards will generally apply:

- Development will be confined to single units in one or two storeys of modest size and the separation distance between the rear façade of the existing main structure (onto the front road) and the rear mews structure should normally be a minimum of 20 metres and not less than 15 metres, or not less than 22 metres where first floor windows of habitable rooms directly face each other.
- Setting back of dwellings and boundary walls may be required dependant on existing building lines, lane width, character and parking/access.
- Dwellings and boundary walls may be required to reflect the scale, height, materials and finish of existing walls and buildings, particularly where old coach houses and two storey structures are involved.
- All parking provision in mews laneways should be in off-street garages, integral garages (car ports), forecourts or courtyards, and conditions to 'de-exempt' garage conversions will normally be attached. At least one off-street parking space per dwelling will generally be required. Where two spaces can be reasonably accommodated these should be provided. Part set-backs of frontage for on-street parallel parking may be considered depending on lane width and structure types.
- Each dwelling shall generally have a private open space area of not less than circa 48 sq.m. exclusive of car parking area. A financial contribution in lieu of public open space provision may be required.
- Where dwellings are permitted on both sides of a lane, habitable room windows must be set out to minimise direct overlooking of each other where less than 9 metres apart.
- Vehicular entrance widths shall be a minimum but sufficient to provide for proper vehicular turning movements allowing for laneway width and for pedestrian visibility.

Minimum lane width requirements are:

- Up to 6 dwellings: Adequate vehicular access of a lane width of circa 3.7 metres must be provided to the proposed dwellings - 3.1 metres at pinch points – to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- Up to 20 dwellings. Width of 4.8 metres subject to a maximum length of 300 metres. Short lengths of narrow width may be acceptable where there will be no frontage access to those lengths.

All mews laneways will be considered to be shared surfaces and footpaths need not necessarily be provided. If external street/security lighting is warranted, only a minimal level and wall-mounted type(s) may need to be provided. Opportunities should be undertaken to improve permeability and connectivity to and from the development as part of the Development Management process.

Each proposed mews lane unit will be assessed having regard to site specific conditions. Reduced standards from the above may be acceptable, particularly in cases of conversion of existing, two storey structures in sound condition and of particular architectural and/or townscape value.

Applications should clearly state the requirements and method statement for bin storage and collection, car parking, access and similar details.

Fig. 48: section 12.3.7.9 Mews Lane Development of the CDP

7.3.9 Climate and landscape policies

CA6 and section 12.2.1 prefer reuse of the existing built environment. Section 12.7.3 requires trees and landscape features that contribute to character to be identified and protected. Drawing 107 marks trees for removal. There is no arboricultural survey. The loss of the planted setting of No. 18 is a landscape and climate failure as well as an ACA failure.

7.3.10 Rebuttal of the covering letter (28 August 2026) and Design Statement policy case

Ryan Kennihan Architects' letter and section 2 of the Design Statement ask DLRCC to treat this as a small, careful house with "no effect" on the ACA. The drawings and the Development Plan do not support that case.

- **"*Small compact house" / "minimise overall height*":** The letter says the house is compact and well below the height of Warriston and the neighbours. Compact is not the test. Section 12.3.7.6 says a backland house on a confined site should generally be single storey. This house is two storeys and 7.44 m. That is higher than the two-storey house refused at No. 13 Marlborough Road (7.02 m). Height relative to Warriston's ridge is irrelevant to 6 Station Road and to Beeches Park, where the prevailing feature is a 1.2 m wall.

- ***"Site the building away from the neighbours and from the side* boundaries":** The Beeches Park elevation replaces the party wall and sits on the lane. The north end is pulled as far as the site allows toward Station Road and 6 Station Road. That is the opposite of a set-back. First-floor windows face the lane with no screening.

- ***"No effect on the characteristics of the ACA":*** This is the central error. HER13 and Section 82 require the character of the ACA to be preserved or enhanced. Inspector Hamilton held that generous plots, mature trees and hedging are that character, that ACA tests are more onerous than ordinary infill, and that national guidance restricts infilling gardens. The Design Statement says rear gardens and walls are not listed in the Appraisal, therefore there is no effect. That is not how an ACA works. Absence of a bullet point on "rear garden" does not license demolition of the wall and trees. There is no conservation report.

- ***"Retain the large majority of trees":*** Drawing 107 marks trees for removal. There is no arboricultural survey, no categories, no method statement. DLRCC refused No. 13 in part for tree loss. Claiming a "majority" retained, without a survey, is not compliance with Section 12.7.3 or HER13.

- ***"Echo existing houses through opening proportions and materials":*** Proportions of windows do not address a two-storey façade on a public lane that has never had one. Section 12.3.7.7 requires retention of boundary walls, trees and landscaping, not a painted masonry box that takes their place.

- ***Precedent section 2.6:*** This has been dealt with in Section 6.0 of this report. In short:

  - Reg. ref. D14A/0779 was single storey, never built. Inspector Mannion described Beeches Park as single-storey in character.
  - Reg. ref. D07A/0372 was single storey.
  - Silchester Road and Green Gates are not this lane and not this ACA test.
  - Reg. ref. D21A/1057 / ABP-312909-22 is omitted. That is the decision on this road. A two-storey rear house was refused for size, siting, trees, ACA harm and precedent.

  A precedent section that lists grants and leaves out the refusal next door but two is not a policy assessment.

- ***Open space and 20 m separation (Design Statement 3.1):*** The Statement gives Warriston 1,070 sq.m and the new house 199 sq.m, with a 20 m gap to the rear of No. 18. Section 12.3.7.6 requires 60 sq.m exclusive of parking for each four-bed house and 22 m where first-floor habitable windows face each other. Twenty metres is a shortfall. 199 sq.m that includes two parking spaces is not "exclusive of parking." Residual space for No. 18 after the new boundary is asserted, not measured on the drawings against the standard.

- ***Shadow analysis***

- The study addresses Nos. 17 and 19 Marlborough Road and existing trees. It does not assess 6 Station Road. It is not BRE 209. Compact Settlements section 5.3.7 and PHP20 require that assessment. Its absence is a policy failure, not a drawing preference.

- ***"Childhood home" / family occupancy:*** That is not a planning criterion. Section 12.3.7.6 and HER13 apply whoever lives in the house.

- ***What the applicant never addresses:*** The applicant omits a number of critical parts of their policy assessment. In summary:

  - Objective A as a duty to protect amenity, not only to allow a house.
  - PHP20 and 6 Station Road.
  - PHP22: this is not a mapped mews lane.
  - Piecemeal access: the Development Plan will not encourage multiple new gates on back lanes.
  - DLRCC ownership of half the wall and the absence of roads consent.
  - Uisce Éireann feasibility.
  - Visibility splays, forward-in / forward-out, pedestrians on a lane with no footpath on the applicant side of the lane.

Those matters are the application. The covering letter and Design Statement describe an intention. The Plan and the No. 13 decision describe the test. The scheme fails the test.

7.3.11 Conclusion on the policy grounds

The covering letter and Design Statement ask DLRCC to grant a "small compact house" with no effect on the ACA. That is not the development shown on the drawings, and it is not the test in the Plan.

Objective A allows a house only where the standards are met. Section 12.3.7.6 requires a backland house on a confined site to be generally single storey, 22 metres from facing first-floor windows, with 60 sq.m of private open space exclusive of parking for each four-bed dwelling, and a lane 3.7 metres wide that can take a fire tender. This house is 7.44 metres high, 20 metres from the rear of No. 18, built onto the public wall of Beeches Park, with two cars on the frontage and no swept-path. The Development Plan also says piecemeal backland with a new vehicular access will not be encouraged. There is no amalgamation and no pre-planning on a comprehensive scheme.

PHP22 does not apply. Beeches Park is not a mapped mews lane. PHP20 does apply. 6 Station Road would take the elevation, the windows and the gate at the junction.

HER13 and Section 82 require the Marlborough Road ACA to be preserved or enhanced. Inspector Hamilton held that generous plots, trees and hedging are that character, that ACA tests are stricter than ordinary infill, and that national guidance restricts infilling gardens. DLRCC refused a lower two-storey house at No. 13 for size, siting, trees, ACA harm and precedent. This application is taller, tighter, and silent on the trees. The Design Statement's claim that gardens and walls are "not listed" is not an assessment.

The Compact Settlements Guidelines require historic character and existing occupiers to be protected and impacts to be reasoned. There is no BRE study of 6 Station Road and no conservation appraisal.

The applicant's precedents are single-storey permissions that were not built, and grants on other streets. The decision that belongs on this file is D21A/1057.

The proposal does not comply with Objective A, PHP20, PHP22, Sections 12.3.7.6, 12.3.7.7 and 12.3.7.9, HER13, PHP42, CA6, Section 12.7.3, or the Compact Settlements Guidelines. Permission should be refused.

7.4 Ground 4: Siting, height, scale, mass, bulk and design

The covering letter and Design Statement describe a diminutive house, set off the neighbours, with no effect on the ACA. The drawings show a two-storey, 7.44 metre, four-bedroom house on 0.036 hectares, built onto the Beeches Park wall facing 6 Station Road, on ground that is higher relative to our clients than the floor of No. 18. That is the scheme that must meet the requirements of Section 12.3.7.6, HER13 and PHP20 of the CDP.

7.4.1 Height and scale

Section 12.3.7.6 says a backland house on a confined site should generally be single storey. The only Board grant on this lane (D14A/0779) was single storey, ridge about 4.36 m. DLRCC refused a 7.02 m two-storey house at No. 13 (D21A/1057). This house is taller than that refusal.

On Beeches Park the prevailing height is a wall of about 1.2 m. From 6 Station Road the new elevation would read higher still because of levels. Recessed corners and a parapet do not make it single storey.

DLRCC is invited to review Sections 3.1 and 4.0 of this report which show the proposed 7.44 m tall elevation to be built in place of the party boundary to the laneway. This is vastly taller and more visually obtrusive, intrusive, etc. than the single-storey ridge on Beeches Park permitted under reg. ref. D14A/0779.

DLRCC is reminded that under reg. ref. D21A/1057, it refused a 7.02 m tall, proposed house at No. 13.

The applicant has decided not to assess likely adverse impacts on our clients' property at 6 Station Road; therefore, no existing or proposed cross section is provided to allow a comparison of proposed FFLs versus 6 Station Road. Nonetheless, the proposed relationship would be unacceptable and contrary to the Development Plan (see Section 7.5 of this report).

7.4.2 Siting - on the party wall and as close as possible to our clients

The front elevation replaces the party wall. Half of that wall is understood to be DLRCC's. First-floor windows and a vehicular gate (also for pedestrian use) would open onto double yellow lines and no footpath on the applicant side of the lane. The north end of the house is hard against the Station Road side of the garden. There is no meaningful set-back from the public boundary and no meaningful set-back from the junction.

Section 12.3.7.6 of the Development Plan requires 22 m setback where first-floor habitable rooms face No. 18. The applicant's figure is 20 m.

Section 3.1 of this report confirms the poor juxtaposition of the applicant's proposals relative to the lane, the party wall, to No. 6, to the applicant's existing dwelling, and to adjoining properties.

DLRCC is invited to view the applicant's proposed ground and first floor windows which are sited immediately on the laneway on the alignment of the existing party wall. These windows are essentially placed on yellow lines where future residents have no privacy while removing our clients' privacy.

7.4.3 Mass and bulk

A four bedroomed house and two car parking spaces is provided on a 360 sq.m site, with the building on the public edge, is bulk the cell cannot absorb without putting rooms onto the lane and taking trees. Drawing 107 marks trees for removal. Those trees are the screening the existing property relies on for

its privacy. Once they go, the applicant's dwelling will be the only unscreened view from the lane and from the existing dwelling.

The mass and bulk of this poorly sited two storey dwelling would be excessively conspicuous on the laneway, from our clients' property, and from adjoining properties.

Section 3.1 of this report has set out how applicant Drawing 107 shows trees to go and Google Earth shows these trees in summertime. The factoring of this dwelling is excessive and at odds with the ACA setting – it is sited too close to No. 18 while damaging the visual appearance of its residual garden.

7.4.4 Overdevelopment

This is not a density argument in units per hectare. It is the Development Plan's own tests: two storeys where single storey is required, 20 m where 22 m is required, parking eating the open space that must be 60 sq.m exclusive of parking for each four-bed house, a new gate on a lane the Development Plan says should not take piecemeal accesses. That is overdevelopment of the site.

7.4.5 Design in the ACA

HER13 and Section 12.3.7.7 of the Development Plan require retention of walls, trees and plot pattern. Inspector Hamilton found the No. 13 house had no features of interest for an ACA. Painted masonry and vertical windows do not convert a two-storey lane frontage into ACA design. **There is no conservation report.**

7.4.6 Visual impact and missing views

The Design Statement's VIA does not include verified views from 6 Station Road, from the junction looking south, or along Beeches Park looking north. Those are the views that matter. Contiguous elevations relating the 7.44 m face/front elevation to our clients' house (and front and rear gardens) and to the electricity pole are not on the planning file.



Fig. 49: Suggested viewpoints 1-3 from No. 6 Station Road



Fig. 50: Suggested viewpoints 4 & 5 — Station Road / Beeches Park junction

7.4.7 Overbearing toward 6 Station Road

Our clients are located on the other side of the laneway from the proposed dwelling and on higher ground relative to No. 18. A two-storey house on the wall, with headlights at the gate, would dominate that outlook. PHP20 requires that amenity to be protected. It has not been measured (no BRE pack) and it has not been designed out.

7.4.8 Private open space

Section 12.3.7.6 and Table 12.10 require 60 sq.m of usable private open space behind the building line, exclusive of parking, for a four-bedroom house, and the same for No. 18 after subdivision. The Design Statement's 199 sq.m includes the parking court. Residual space at Warriston is asserted as 1,070 sq.m without a dimensioned plan that excludes the new boundary works. Ground-level space that is a parking apron is not the Plan's standard.

7.4.9 What would comply

A house that met Section 12.3.7.6 would be single storey, off the public wall, with the lane wall repaired, trees surveyed and kept, 22 m from No. 18, 60 sq.m exclusive of parking for both dwellings, and access that does not reverse toward Station Road. That is a different application.

7.4.10 Conclusion on Ground 4

Height, siting, mass and design are excessive for this lane, this ACA and this relationship with 6 Station Road. They are contrary to PHP20, Sections 12.3.7.6 and 12.3.7.7, HER13 and the Compact Settlements Guidelines. Permission should be refused.

7.5 Ground 5: Injury to the residential amenity of 6 Station Road

No. 6 Station Road is zoned Objective A: to protect and/or improve residential amenity. PHP20 requires that amenity to be protected where existing homes adjoin higher or more intense infill. The Compact Settlements Guidelines (sections 3.4.2, 5.3.7 and 5.9.1) require adjoining occupiers to be safeguarded and impacts to be reasoned, including daylight.

Our clients are the people this scheme would face. No. 18 sits on lower ground. The new house would be built up toward the lane and the junction, two storeys, 7.44 m, with first-floor windows and a vehicle gate (also for pedestrian use) on the public wall, with no footpath on the applicant side of the lane and no screening. That is not a distant "infill in a large garden." It is a new frontage aimed at our clients' outlook.

7.5.1 Adverse overbearing

There is no two-storey house on this side of Beeches Park. The prevailing feature is a 1.2 m wall and trees. Replacing that wall with a house elevation, on higher ground relative to 6 Station Road than the floor of No. 18, would dominate the junction and the south-facing aspect of our clients' property. Section

12.3.7.6 requires single storey on confined backland sites for this reason. DLRCC refused a lower house at No. 13 because of siting, height and separation.

7.5.2 Visual intrusion and obstruction - 6 Station Road

From 6 Station Road the existing view south is a low wall, canopy and the mouth of Beeches Park. That is a domestic, planted edge. Sensitivity of the receptor is high: a private dwelling, occupied year-round, looking straight at the application frontage across a few metres of carriageway.

The magnitude of change would be high. A two-storey, 7.44 metre painted elevation would take the place of the wall, on ground that is higher relative to our clients than the floor of No. 18. First-floor windows and a vehicle opening (also for pedestrian use) would sit on the skyline of that view. Trees marked for removal on drawing 107 are the only existing screen. Once they go, the house is the view. There is no set-back and no intervening structure. The effect is both intrusion (a new built form in the primary outlook) and obstruction (loss of the open planted skyline above the wall).

The Design Statement does not assess this receptor. No verified view has been produced from the front of 6 Station Road or from the junction looking south. On a reasonable application of GLVIA3, the significance of the effect on our clients would be major adverse and permanent. That is not a residual effect that planting on the applicant's side of a two-storey façade can cure. It is a reason the scheme fails PHP20 and Objective A.

7.5.3 Overlooking, privacy and surveillance - 6 Station Road

This is our clients' primary concern. They are the only household that would sit opposite a new two-storey elevation on Beeches Park, at the pinch of the junction, with windows aimed at their house and garden.

Overlooking concerns

First-floor habitable rooms would look across the lane. These windows are sited on the party wall. There is no set-back, no intervening building and no screen once the trees on drawing 107 are gone. Occupiers of the new house would see into our clients' rooms (kitchen/dining, etc.), patio area, rear garden, etc..

Our clients would see those windows every time they leave the house or sit at the front. That is overlooking in fact, and it is the perception of being watched. PHP20 and Section 12.3.7.6 exist to stop exactly that relationship. The Plan's answer on a confined backland site is single storey, not first-floor glass on the public wall.

No overlooking study and no cross-section through 6 Station Road are on the planning file. Section 2.0, 3.0 and 4.0 of this report show the existing party wall to the laneway and then how the applicant proposes to replace this with a two storey elevation metres from our clients' property boundary.

Visual intrusion and obstruction

From 6 Station Road the view south is a low wall, canopy and the mouth of the lane. Sensitivity is high. The magnitude of change would be high. A 7.44 metre elevation would take the place of that wall, on higher ground relative to our clients than the floor of No. 18. The effect is intrusion (a new built form in the primary outlook) and obstruction (loss of the planted skyline). On a GLVIA3 reading the significance would be major adverse and permanent. The Design Statement does not assess this receptor. No verified view from the front of 6 Station Road or from the junction looking south has been produced.

The existing trees within the No. 18 currently offer screening and privacy to both properties. The applicant proposes to remove these and to leave no space to the laneway frontage for any new screening to be provided to mitigate overlooking concerns.

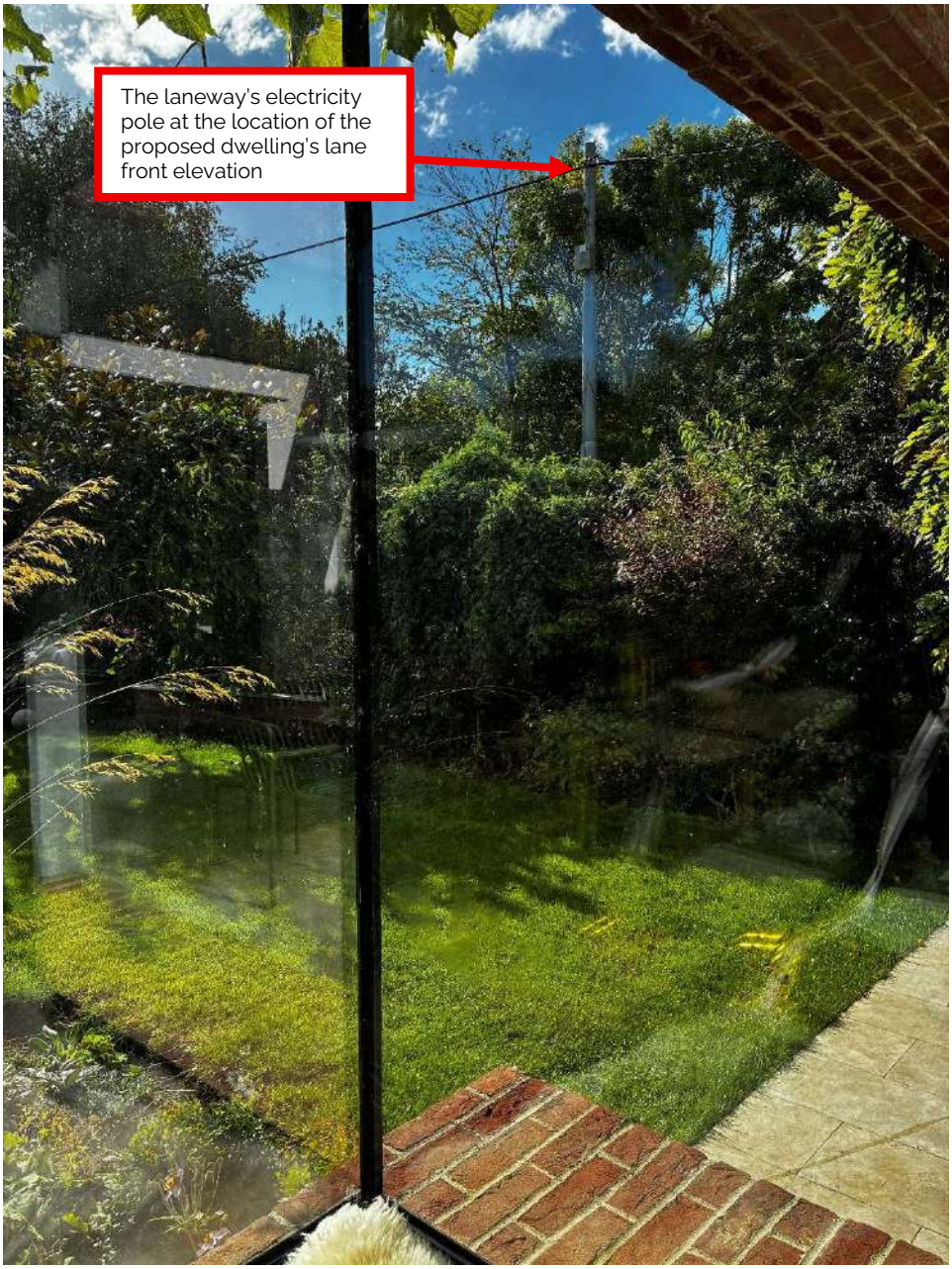


Fig. 51: Existing view from 6 Station Road's rear ground floor windows

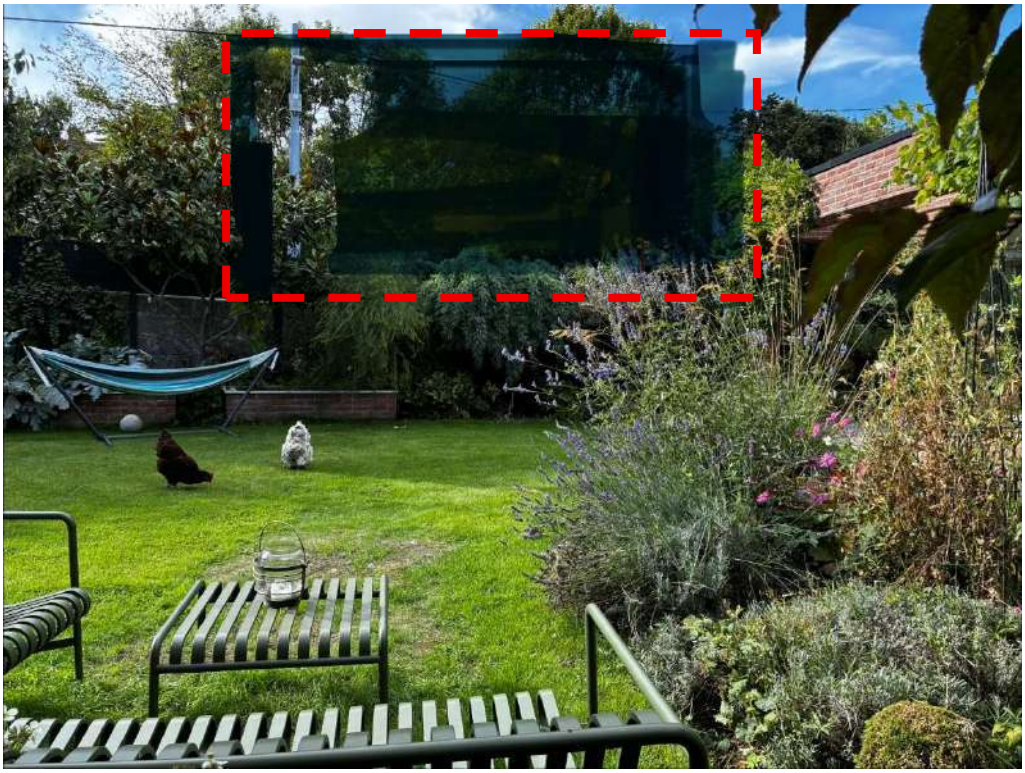


Fig. 52: Estimated extent of the proposed dwelling as it would be visible from 6 Station Road

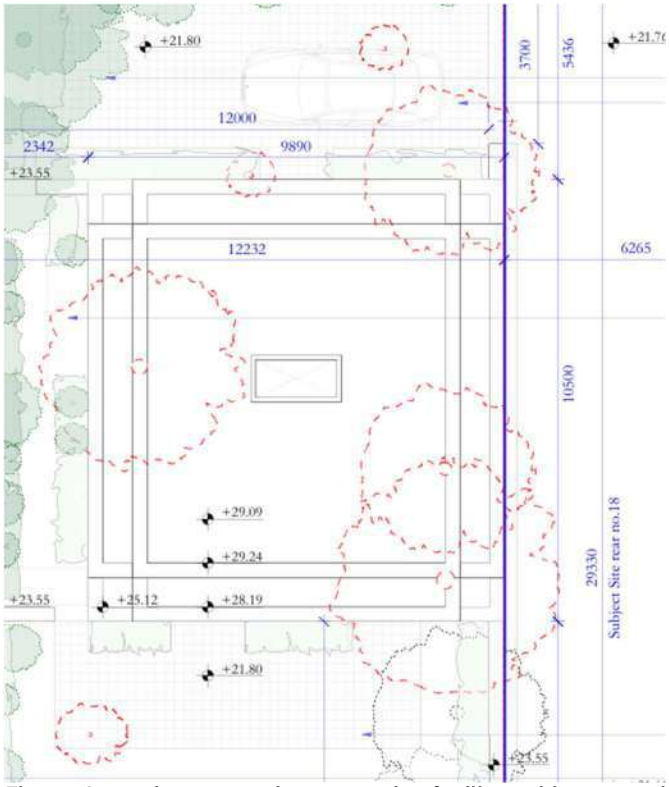
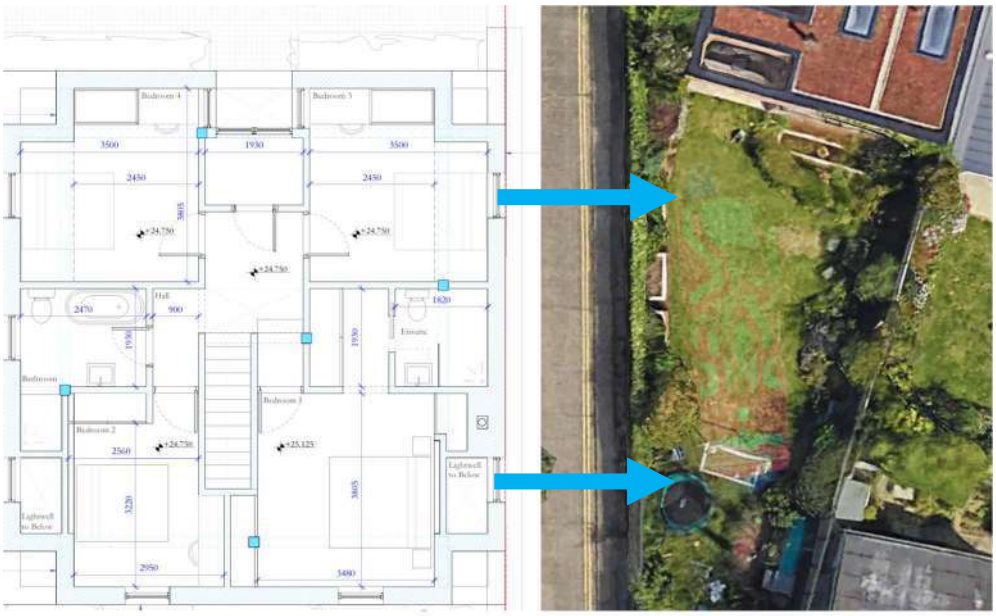


Fig. 53: Screening trees to be removed to facilitate this proposal

Total overlooking and visual intrusion impact

Together, the above concerns comprise a PHP20 failure. Our clients would lose privacy and would live with a two-storey façade in their principal view. Permission should be refused.



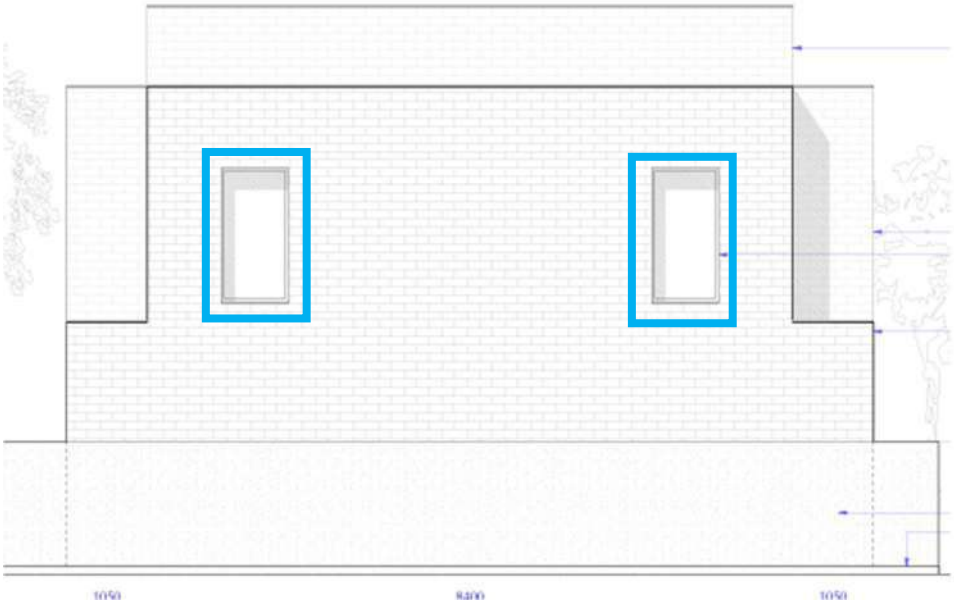


Fig. 54: Adverse overlooking concerns from the proposed first floor windows

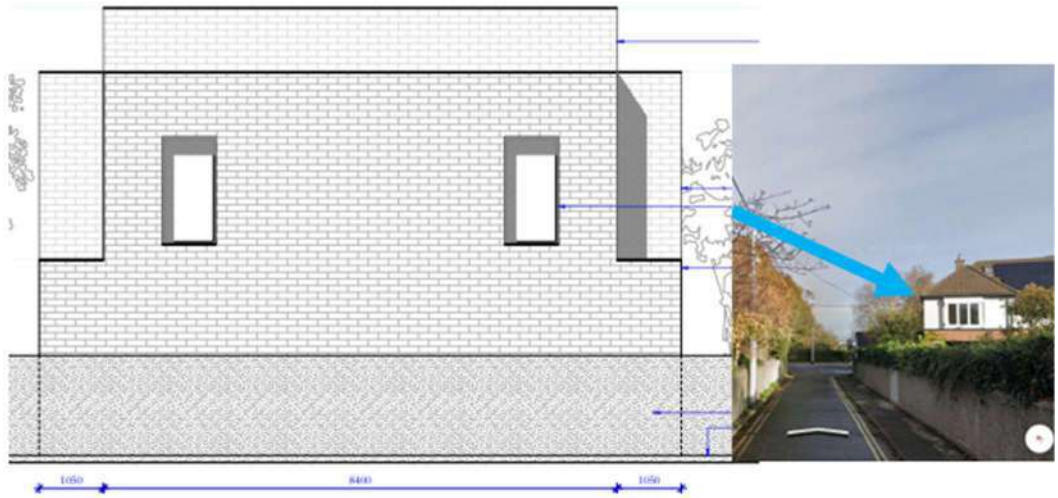


Fig. 55: Adverse overlooking concerns from the proposed first floor windows (illustration only)

7.5.4 Residual daylight, sunlight and overshadowing impacts

The assessment that was required and was not carried out

No BRE 209 / IS EN 17037 study of 6 Station Road has been submitted. Compact Settlements section 5.3.7 states that acceptable daylight for neighbours is an important planning consideration, and that a technical assessment should be used where buildings are close together or higher than what is there. That is this site: a 7.44 metre house on the lane wall, on higher ground relative to our clients than the floor of No. 18, a few metres from the front of 6 Station Road.

The Design Statement's shadow analysis addresses Nos. 17 and 19 Marlborough Road and existing trees. It does not assess 6 Station Road. Inspector Hamilton's finding of no overshadowing at No. 13 related to Marlborough Road gardens and windows facing a courtyard. That is not this geometry.

The absence of a quantified neighbour study is a material gap. DLRCC cannot find compliance with PHP20 or section 5.3.7 on the applicant's drawings alone.

Shadow-length diagrams prepared by BPS

BPS has prepared shadow-length diagrams using SunCalc for the afternoon and evening hours on the BRE reference dates (21 March / September and 21 June). These diagrams are not a substitute for VSC, APSH and the 21 March garden-sunlight test. That study was the applicant's responsibility. The diagrams are more than the file contains for 6 Station Road.

They show that the proposed 7.44 metre ridge would cast additional shadow toward the front and side of 6 Station Road, and across the mouth of Beeches Park, in the hours when that frontage receives usable afternoon and evening sun.

21 March / 21 September (equinox)

On the equinox the sun is in the western sky by mid-afternoon. From about 3 pm the proposed ridge begins to throw additional shadow north toward Station Road. By 4 pm and 5 pm that shadow occupies more of the space in front of 6 Station Road and the junction. By 6 pm the frontage is more extensively shaded than with the existing 1.2 m wall. Those are the hours BRE exists to protect.

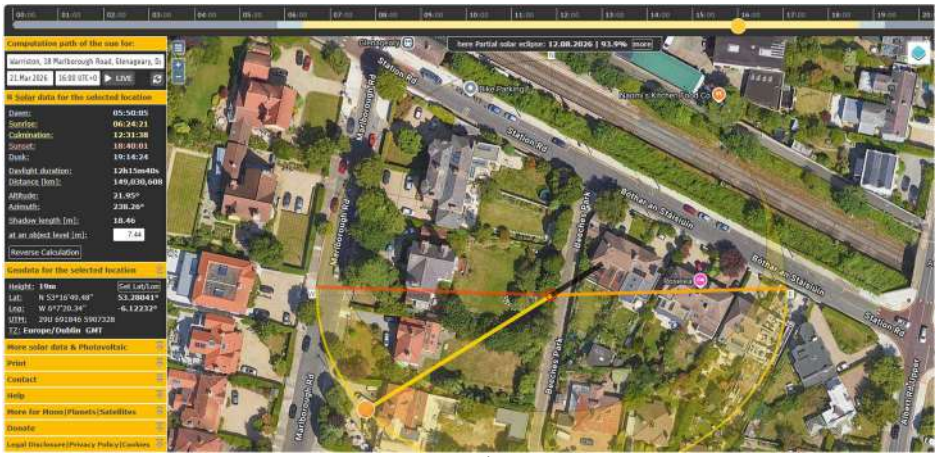


Fig. 56: Shadow length diagram for 4pm on 21st March / September (Source: www.suncalc.org)



Fig. 57: Shadow length diagram for 5pm on 21st March / September (Source: www.suncalc.org)

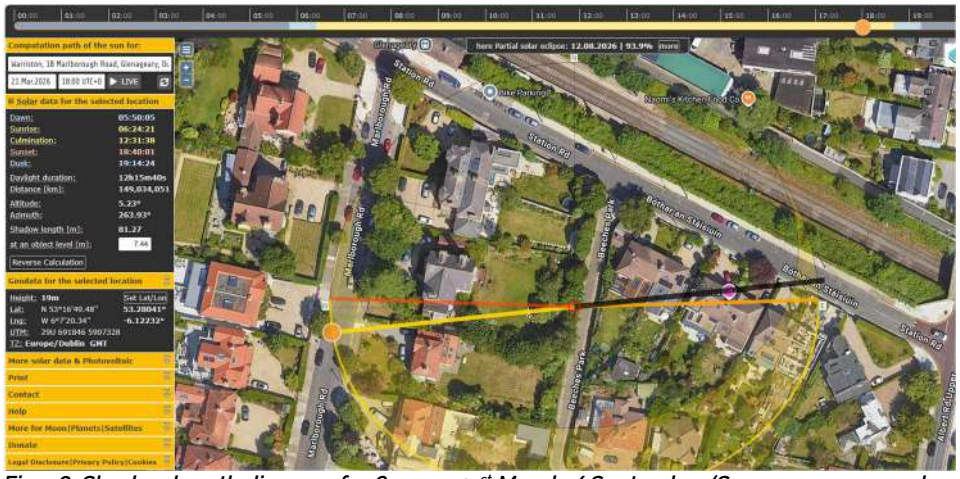


Fig. 58: Shadow length diagram for 6pm on 21st March / September (Source: www.suncalc.org)

21 June (midsummer)

Even at midsummer the 7.44 metre form still produces additional late-afternoon and evening shadow on the Station Road side of the lane. Absolute length is shorter than at the equinox. The extra bulk of a two-storey ridge still shortens the period of direct sun on our clients' side of the junction.



Fig. 59: Shadow length diagram for 5pm on 21st June (Source: www.suncalc.org)



Fig. 60: Shadow length diagram for 6pm on 21st June (Source: www.suncalc.org)



Fig. 61: Shadow length diagram for 7pm on 21st June (Source: www.suncalc.org)



Fig. 62: Shadow length diagram for 8pm on 21st June (Source: www.suncalc.org)

Winter

In mid-winter the sun is low and the absolute contribution of the new ridge is less decisive. The material period is March to September, when the front of 6 Station Road and the junction are actually used.



Fig. 63: Shadow length diagram for 3pm on 21st December (Source: www.suncalc.org)



Fig. 64: Shadow length diagram for 4pm on 21st December (Source: www.suncalc.org)

7.5.4.1 What the diagrams show

They do not claim that 6 Station Road would be in permanent darkness. They show an incremental overshadowing effect from a roof that Section 12.3.7.6 says should generally not be two storeys. A true single-storey form, set off the public wall, would materially reduce the length and duration of that extra shadow. The application does not offer that form.

The applicant's shadow diagrams address Nos. 17 and 19 Marlborough Road and existing trees. They do not assess 6 Station Road. There is no BRE 209 VSC, APSH or sun-on-ground study. Compact Settlements section 5.3.7 says that study is required where buildings are close or higher than what is there. Inspector Hamilton at No. 13 found no overlooking of Marlborough Road neighbours because windows faced a courtyard. That geometry is not this geometry. Our clients are across the pinch of the lane, on the low-to-high relationship the sections show.

A condition requiring a BRE study after grant would leave the PHP20 test off the public file.

Permission should be refused.

7.5.5 Headlights, vehicle noise and the siting of the parking

The two parking spaces sit on the Beeches Park frontage, on the party wall, a few metres from the Station Road junction and from the front and side of 6 Station Road. That is not a driveway deep in a garden. It is a parking court aimed at our clients.

Headlights

Cars have not been shown to enter and leave in a forward direction. On a lane this narrow, with yellow lines and a electricity pole immediately south of the opening, the likely manoeuvre is a reverse in or a reverse out. Either way, headlights sweep across the mouth of the lane and toward 6 Station Road - toward the rear garden and, at an angle, toward the rear elevation. That flicker would occur every arrival

and departure, including after dark. There is no wall high enough, once the opening is cut, to stop it. There is no set-back. PHP20 does not require our clients to live with that.

Engine, door and manoeuvring noise

Each movement is an engine, gears, doors and tyres on a shared-surface lane with no footpath on the applicant side of the lane. Two spaces serving a four-bedroom house are not occasional farm traffic. They are daily residential traffic at the pinch of the junction. The existing condition is a wall and no vehicles. The change is material.

Congestion and the amplified effect of a bad layout

Beeches Park cannot take two-way passing at this point. A car waiting to enter, a car waiting to leave, a delivery van or a visitor will block the lane and back toward Station Road. That is immediately outside our clients' property. The Plan requires a 3.7 m lane (3.1 m at a pinch) that can take a fire tender. No swept-path is on the file. Poor siting of the spaces - on the public boundary, on yellow lines, next to a electricity pole, next to the junction — turns every trip into a conflict. That conflict is an amenity impact as well as a roads impact.

What the file does not contain

There is no lighting assessment of headlight paths, no noise note, no tracking for a private car, and no construction-phase plan that keeps plant off this pinch. The Design Statement treats parking as a number. It is a frontage pointed at 6 Station Road.



Fig. 65: Proposed parking on the lane versus 6 Station Road



Fig. 66: Yellow lines, electricity pole and junction

Headlights, noise and congestion are part of the same injury as overlooking. Together they fail PHP20 and Objective A. Permission should be refused.

7.5.6 Construction-phase impacts on 6 Station Road

There is no Construction Management Plan on the file that keeps this build off Beeches Park and Station Road. The house sits on the party wall. The only public frontage is the lane at the junction. Our clients would take the works at close range for the duration of the job.

Likely adverse impacts include:

- ***Demolition of the lane wall:*** dust, vibration and debris at the public boundary, including the portion understood to be DLRCC's.

- ***Excavation and foundations on a tight site, next to the carriageway:*** vibration, noise and possible movement of the remaining wall and of services in the lane.
- ***Piling or breaking out if rock or poor ground is met:*** peak noise and vibration at the junction.
- ***Scaffolding, hoarding and over-sailing on or over the public lane:*** no consent, no method, no protection for pedestrians who already have no footpath on the applicant side of the lane.
- ***Deliveries and HGVs using Station Road and Beeches Park:*** reversing, tail-swing, blocking the junction, conflict with our clients' access.
- ***Worker parking and welfare:*** no space on site, overspill onto Station Road and the lane.
- ***Cranes or telehandlers lifting over the wall line:*** over-sailing our clients' outlook and the public road.
- ***Dust on windows, gardens and the front of 6 Station Road, with no monitoring location proposed.***
- ***Noise from demolition, saws, generators and radios for months, at a house that now faces a quiet wall.***
- ***Hours of work:*** early starts and Saturday working on a residential pinch point, unless tightly conditioned (and conditions cannot cure a site that has no other access).
- ***Mud and spoil on Station Road and the lane.***
- ***Temporary lighting facing our clients after dark.***
- ***Temporary loss of the wall and trees:*** the screen goes first; the two-storey shell is then built in full view.
- ***Services connections in the public road:*** further openings, noise and delay at the junction.
- ***No agreed route through No. 18 from Marlborough Road:*** so the default is the lane.

None of this is assessed. A condition requiring a CEMP after grant leaves our clients with the risk and no public assessment. Construction is part of the PHP20 injury. Permission should be refused.

There is no Construction Management Plan that keeps plant off Beeches Park and Station Road. Months of works at the junction would be an amenity impact in their own right.

What the Plan protects

Objective A and PHP20 are written for this house. Section 12.3.7.6, HER13 and the No. 13 decision are written for this pattern of gardens. Fourth Schedule reason 10© recognises serious injury to amenity and depreciation of value. Our clients should not have to absorb a two-storey public elevation so that one garden can be split.

7.5.7 Operational phase matters not addressed - Bins, lighting and night use of the opening

Bins, lighting and night use of the proposed new wall opening (alongside the entire new use of the party boundary as a dwelling's front elevation) is now addressed by the applicant:

- Where do 1100-litre bins sit on collection day on a lane with no footpath on the applicant side of the lane.
- What lighting sits on the new gate facing 6 Station Road?
- Will there be external lighting serving the site?
- Where will the postman and other delivery drivers stop?

The planning file is silent on these matters.

7.5.8 Inadequate separation and no screening on the applicant's land

Section 12.3.7.6 requires 22 metres where first-floor rooms face the existing house. The applicant's figure is 20 metres. Toward 6 Station Road there is no set-back at all: the elevation is the party wall. That is not a failure DLRCC can treat as a detail. It is how a four-bed house is forced onto a 360 sq.m site.

The layout drawings show planting that reads as a screen. On inspection, there is no depth on the applicant's side of the Beeches Park line in which a hedge or tree belt could grow to the height of first-floor cills. The wall is coming down. The trees on drawing 107 are coming out. After that, 6 Station Road would face glass and painted masonry. Our clients cannot be asked to plant out an injury that is designed onto the public boundary.

There is also no demonstration of how the lane elevation would be built and maintained without scaffolding on the public road or over-sailing. That is a construction point and a neighbour point: a house that can only be finished from the lane is a house sited too close.

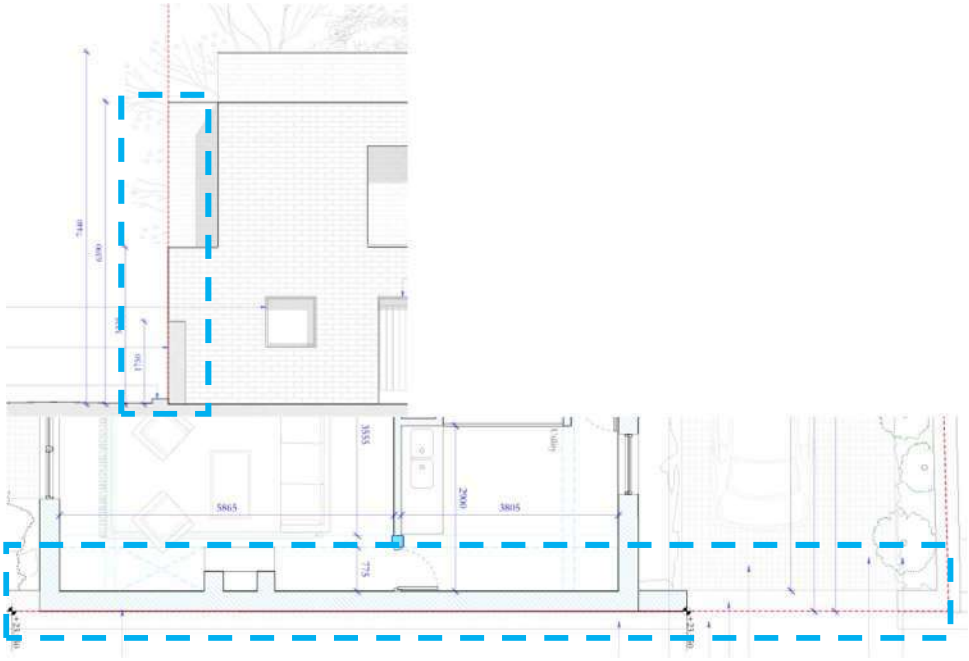


Fig. 67: Zero set-back to Beeches Park / 6 Station Road

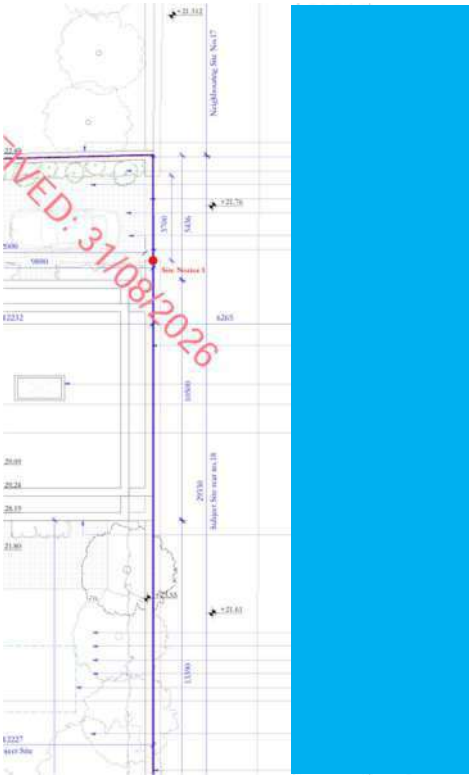


Fig. 68: Proposed dwelling's setback to No. 6 Station Road and its rear garden is <6m

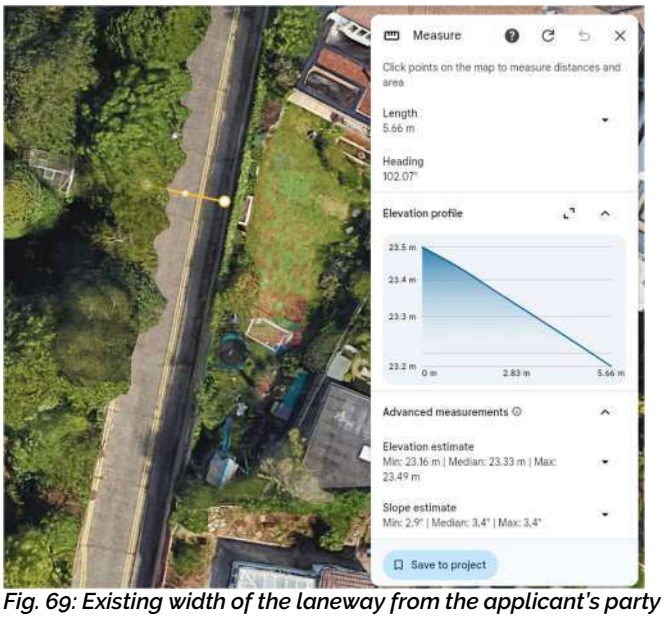


Fig. 69: Existing width of the laneway from the applicant's party boundary wall to No. 6's wall is approx. 5.66m



Fig. 70: No existing screening to clients' property at No. 6 – the party wall's height is 1.2m with temporary wooden fencing and some planting sited above this height

7.5.9 Conclusion

The proposal would seriously injure the residential and visual amenity of 6 Station Road by overbearing, overlooking, headlights, overshadowing that has not been measured, and construction on the lane. It is contrary to Objective A, PHP20, Section 12.3.7.6, the Compact Settlements Guidelines and the proper planning and sustainable development of the area. Permission should be refused.

7.6 Ground 6: Context-less design quality of the Beeches Park elevation

The Design Statement says the house will "echo existing houses" through opening proportions and materials. The drawing is a two-storey, flat-roofed, painted box on the public party wall, with habitable windows and a vehicular entrance (also for pedestrian use) onto double yellow lines and no footpath on the applicant side of the lane, and with two cars as the front garden. That is not an echo of Marlborough Road. It is a mews façade on a lane that the zoning map does not designate as a mews street.

What DLRCC and the Commission have already criticised on this road

At No. 13 Marlborough Road (D21A/1057 / ABP-312909-22) Planning Inspector Hamilton found a two-storey rear house of 7.02 metres contained "no features of interest which reflect the location within a designated ACA." She recommended refusal because size, siting and the loss of trees would "significantly detract from the architectural character" of the ACA and would set an undesirable

precedent. This house is taller (7.44 m), closer to the public boundary, and equally silent on ACA detailing. A flat roof and recessed corners do not supply the features Hamilton said were missing.

Under planning application reg. ref. D26A/0359/WEB, DLRCC refused a compact contemporary house in an ACA as "contextually misplaced" and as architecturally disrupting the composition of the ACA (HER13, Section 12.11.4). The planner recorded visual dominance, visual incongruity and overdevelopment of a constrained site. The same vocabulary applies here: a flat-roofed two-storey form on a 1.2 metre wall line, on 0.036 hectares, with no set-back from the lane.

At D18A/0298 DLRCC refused demolition of a significant stretch of ACA boundary wall because it would detract from streetscape character. This application goes further. It does not only open a gate. It replaces the wall with the house.

The only permission the Commission granted on Beeches Park (D14A/0779) was single storey, with a low ridge. Inspector Mannion treated that height as the character of the lane. A flat-roofed two-storey elevation is the opposite of that grant.

Why the design is not acceptable:

- ***No set-back:*** Section 12.3.7.5 / 12.3.7.7 of the CDP expect boundary treatments to be kept and new building to relate to adjacent dwellings. Building on the party line is maximum envelope, not design.

- ***Flat roof on a two-storey public frontage:*** The ACA pattern on Marlborough Road is pitched roofs, chimney stacks and planted edges. A parapet box on the lane is the form DLRCC called contextually misplaced while assessing reg. ref. D26A/0359.

- ***Windows and a vehicular entrance (also for pedestrian use) on the public wall:*** Habitable rooms address a carriageway with no footpath on the applicant side of the lane. That is neither passive surveillance of a street nor protection of 6 Station Road. It is glass on a pinch point.

- ***Parking as the side garden with no rear garden:*** The proposals want usable open space behind the building line to one side of the proposed dwelling. The lane elevation is a parking area with a house beside it with another area of garden to the other side which is not private in nature or design.

- ***No ACA language in the fabric.*** There is no granite wall retained as the face, no planted set-back, no single-storey eaves line to Beeches Park. Painted masonry and vertical windows do not convert that into Section 12.11.4 compliance.

The lane elevation would be visually dominant, visually incongruous and out of character with Beeches Park and with the Marlborough Road ACA. It repeats the design defects DLRCC and the Commission have already refused on this road: two storeys in the rear garden, building too close to boundaries, no ACA features, and loss of the enclosing wall. It is contrary to HER13, Section 12.11.4, Sections 12.3.7.6 and 12.3.7.7, and PHP20 of the CDP. Permission should be refused.

7.7 Ground 7: Harm to the Marlborough Road Architectural Conservation Area

While the Development Plan's specific '0/0' / 'no increase in the number of buildings' objective is limited to certain mapped areas in Dalkey and Killiney and does not apply here, the Marlborough Road ACA is subject to the more onerous tests under Section 82, HER13 and the Character Appraisal, which restrict inappropriate infilling of gardens and require development to preserve or enhance the established character (generous plots, mature trees/hedging, boundary walls and plot pattern).

The site is in the Marlborough Road ACA. Section 82 of the Planning and Development Act 2000 requires development in an ACA to preserve or enhance the character of the area. Policy Objective HER13 requires proposals to be appropriate to that character, having regard to the Character Appraisal. HER1, HER20 and HER21 protect architectural heritage and contributing nineteenth- and twentieth-century fabric, including boundary treatments. Section 12.3.7.7 requires infill to retain walls, trees and landscaping. Section 12.7.3 requires trees that contribute to character to be identified and protected. This application would do the opposite.

The above sections of this report include figures which show:

- The ACA boundary on the zoning / ACA map.
- The existing Beeches Park wall which provides continuous enclosure to No. 18 and to the laneway.
- The proposed elevation which the applicant asks to be allowed to replace the historic laneway wall.
- Excerpts from the applicant's drawings showing trees to be removed.
- An extract of Planning Inspector Hamilton's assessment and recommendation under planning appeal reg. ref. ABP-312909-22.
- The DRLCC refusal of permission D18A/0298 refusal over proposed loss of boundary wall in an ACA.

The primary concerns are:

- ***Special character:*** Planning Inspector Hamilton when assessing appeal reg. ref. ABP-312909-22 described these plots as "large, detached dwellings within generous plots with mature trees and hedging." She held that ACA tests are "more onerous than general infill sites" and that national guidance "restricts the infilling of gardens in ACAs." The Design Statement's claim that rear gardens and walls are "not listed," and that the house can therefore have "no effect," is not an assessment. There is no conservation report.

- ***The party wall to Beeches Park:*** The continuous wall on the lane is the historic enclosure of Warriston's garden (No. 18). Half of it is understood to be DLRCC's. The scheme would take it down and put a 7.44 metre house elevation on the line, with windows onto yellow lines. That is the same class of harm as the wall loss refused under planning application reg. ref. D18A/0298, where DLRCC held that demolition of a significant portion of a boundary wall would detract from the streetscape and from the ACA. Beeches Park is a quieter streetscape. It is still an ACA streetscape. Opening the plot and replacing the wall with a two-storey façade would erode enclosure, grain and the planted edge.

- ***Trees and garden setting:*** The applicant's Drawing 107 and the landscape plan mark trees for removal. There is no arborist report. DLRCC refused No. 13 in part for tree loss. Those trees are the sylvan character Hamilton described. Their loss is ACA harm, not a landscaping detail.

- ***Scale and the first two-storey house on this lane:*** No Marlborough Road garden in this ACA presents two storeys to Beeches Park. The only permission on the lane was single storey and was not built. A 7.44 metre house on the public wall would be the first. Inspector Hamilton recommended refusal at No. 13 because a two-storey rear house would "significantly detract from the architectural character" of the ACA and would set an "undesirable precedent." This house is taller, on a smaller cell, and sits on the wall.

- ***Piecemeal erosion:*** Section 12.3.7.6 of the Development Plan says piecemeal backland with new vehicular accesses will not be encouraged. One new gate and one new façade would make the next garden harder to defend. Cumulative loss of walls and trees is how an ACA is hollowed out.

- ***What the notices omit:*** Works to an ACA dwelling's curtilage, wall and trees should be in the description. They are not assessed. DLRCC cannot find that Section 82 is met.

The proposal would not preserve or enhance the Marlborough Road ACA. It would remove a party wall, remove trees, insert the first two-storey lane house, and injure the plot pattern the Plan and the Commission have already protected at No. 13. It is contrary to Section 82, HER1, HER13, HER20, HER21, Sections 12.3.7.6, 12.3.7.7 and 12.7.3, and the proper planning and sustainable development of the area. Permission should be refused.

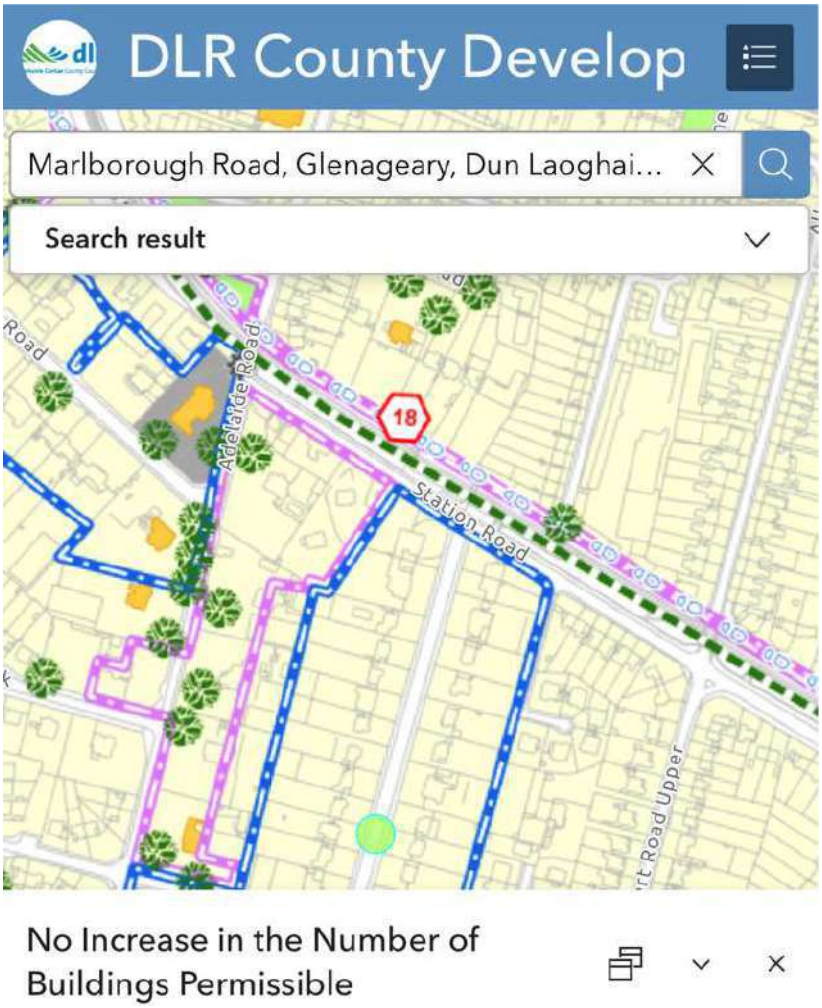


Fig. 71A: The Development Plan's specific '0/0' / 'no increase in the number of buildings' objective

7.7.1 Trees / wildlife

The above photos show the trees on the Beeches Park / Station Road end of No. 18's garden, including ash and hornbeam. Drawing 107 marks trees for removal. Those trees are the closing vegetation of an ACA plot. They are habitat for birds and, potentially, bats. They are also the screen between the proposed two-storey elevation and 6 Station Road.

Section 12.7.3 and HER13 treat trees and hedging in an ACA as part of character, not as optional screening the applicant can delete. Inspector Hamilton at No. 13 treated tree loss as part of the reason the rear house failed. DLRCC has, nearby on Adelaide Road, attached a tree-preservation condition where the issue was raised in the process. That does not create an order on this site. It shows the authority will protect trees in this neighbourhood when the file puts them in issue.

There is no BS 5837 survey, no bat survey, and no note on the Wildlife Acts (nests, roosts). Removal of about six trees, including ash, at the pinch of the lane should not be treated as incidental landscaping. Until those surveys exist, HER13, Section 12.7.3 and PHP20 cannot be signed off.

7.8 Ground 8: Surface water, the slope and building on the wall

The O'Reilly drainage report and the applicant's drawing 106 do not close out the issue of surface water on this site. The existing garden falls toward No. 18 and toward Beeches Park. A planted garden and a continuous wall now intercept and slow that water. The scheme would replace both with a house, two parking spaces and a gate on the party line. Hardstanding on the high side of the slope, with the wall gone, is a change in runoff path. Water that now soaks or sheds along the wall line would hit a façade and a dropped kerb opening, then the lane and, depending on falls, the residual garden of Warriston. That is a neighbour issue and a lane issue. It has not been modelled.

The planning file should include the following items (but it does not):

- Impermeable area and runoff calculations for the house, parking and paving
- Attenuation volume, discharge rate, climate-change uplift
- Exceedance routes if the system surcharges - including toward No. 18 and toward Station Road
- Who maintains the SuDS
- Uisce Éireann Confirmation of Feasibility for a new foul and water connection
- How foundations and drainage on the party wall avoid DLRCC's half of the wall and services in the lane
- Permeable paving on a drawing is not that list. Chapter 10 / DLRCC SuDS policy and the four pillars (quantity, quality, amenity, biodiversity) are not discharged by a note.
- The impact of the proposed tree loss on surface water attenuation is not addressed.

The following issues arise:

- ***Building in place of the party boundary wall:*** A wall is a hydraulic edge as well as a heritage edge. Taking it down and putting a house on the line, with an opening at the pinch of the lane, concentrates flow at the weakest point: yellow lines, no footpath on the applicant side of the lane, a junction. If the lane already ponds, this makes it worse. The report does not say whether it ponds.

- **ACA and trees:** Excavation for drains and foundations in the root zones marked on drawing 107 is not assessed. Section 12.7.3 and HER13 apply to that work.

Until attenuation, exceedance, UE feasibility and the effect of losing the wall are on the planning file, DLRCC cannot find that the scheme will not increase flood or surcharge risk on Beeches Park, Station Road or Warriston. Permission should be refused, or the application should not be determined on this drainage material.



Fig. 72A: Existing falls - garden to No. 18 / to the lane



Fig. 72B: There are no existing surface/storm water drains to the front of the site on the laneway where the wall is to be removed

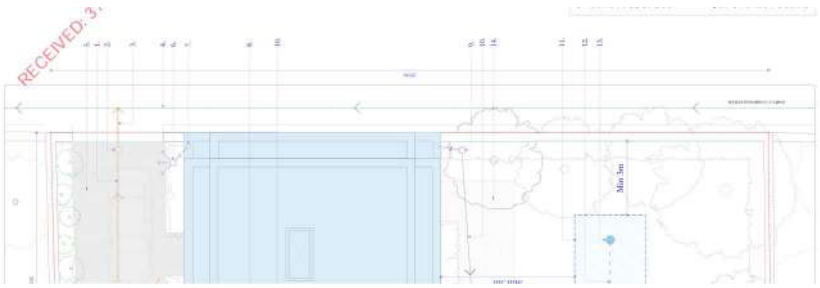


Fig. 73: No new storm/surface water drains are shown to the front of the applicant site despite the removal of the wall and the increase in hard surface area proposed

7.8.1 Surface water should be addressed for the entire existing property

The red line is only the new site. Subdivision creates two drainage catchments: the new house and parking on the high / lane side, and the residual garden of Warriston on the low side. The O'Reilly plan and drawing 106, if they stop at the red line, do not show how water behaves once the garden is cut.

That matters here for four reasons:

- ***Falls:*** The land drops toward No. 18 and toward Beeches Park. A planted garden and a continuous wall now slow and spread that water. A house, two spaces and a gate on the high side change the path. Water that used to soak in the back of the garden can be thrown onto the new boundary, along the new façade, through the opening, or down onto the retained lawn. A red-line-only plan cannot demonstrate that Warriston is no worse off.

- ***Two houses, one standard:*** Section 12.3.7.6 requires adequate private open space for both dwellings. A residual garden that ponds, or that takes a new overland route from the parking court, is not "adequate." The Plan's SuDS tests (quantity, quality, amenity, biodiversity) apply to the development as a whole, not only to the slice the applicant wants to build on.

- ***The wall:*** The wall is a hydraulic edge. Taking it down and putting a dropped kerb on the fall line is a change to how the lane and the residual garden receive water. If drawing 106 does not show exceedance routes across the new fence, toward No. 18 and toward Station Road, Chapter 10 is not discharged.

- ***Existing drains:*** No. 18 already drains that garden. The file should show whether any pipe, soakaway or gully sits in the red line, whether it will be cut, and who owns what after subdivision. A plan that never leaves the red line cannot answer that.

DLRCC is asked to treat a red-line-only drainage drawing as incomplete. The minimum that should be on the file for the entire existing property (not just the new red line boundary area) is:

- pre- and post-development catchments for the whole former garden.
- impermeable area on the new plot and any new paving on the retained plot.
- attenuation, discharge rate and climate-change uplift.
- exceedance routes onto No. 18 and onto Beeches Park.
- Uisce Éireann feasibility for the new connection.
- a note on any shared or severed drainage serving Warriston.

Until that is shown, DLRCC cannot find that the scheme will not increase flood or surcharge risk on the retained house, the lane or Station Road.

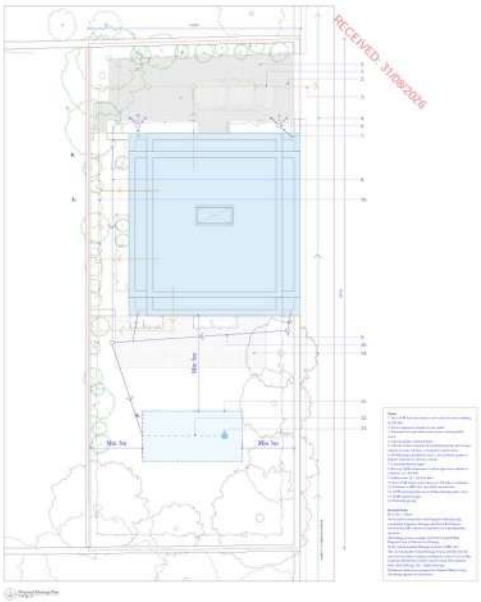


Fig. 74: The drainage plan pertains only to the subject site and not to the existing rear garden in its totality

7.9 Ground 9: Roads, access, parking and safety on Beeches Park

BPS recently objected for clients to a planning application at a site of approximately 0.0155 Ha at The Lodge, No. 52 Monkstown Road, Monkstown, Blackrock, Co. Dublin, A94H7K7 under reg. ref. D26A/0359/WEB. This was a proposed development comprising of "The demolition of the existing single-storey dwelling (43 sq m); and the construction of a detached dwelling (143 sq m)" with "upgrade of the driveway/car parking space to include the provision of a motorised car turntable". The turntable was needed to allow cars to drive in in a forward direction and exit in a forward direction. There is no turntable in the current case. That makes the roads case worse, not better. Cars must turn on a lane that cannot take two-way passing, on double yellow lines, next to a electricity pole, a few metres from the Station Road junction, with no footpath on the applicant side of the lane. The file does not show that they can enter and leave in a forward direction. The likely result is reversing toward our clients' property - 6 Station Road.

In the above sections, BPS has already:

- Illustrated how the proposed opening in the party wall to the laneway - yellow lines, electricity pole, junction, etc.
- We have pointed out that the applicant has offered no swept path analysis.
- We have pointed out that the applicant has shown no visibility splays.
- Noted how pedestrians walk up and down the laneway on and off the footpath and cyclists also use the laneway.

The following concern arise:

- ***The lane:*** Section 12.3.7.6 of the Development Plan requires a lane width of 3.7 m (not less than 3.1 m at a pinch) so that a fire tender or refuse vehicle can pass. Beeches Park at this point is a pinch. Yellow lines already say there is no spare width. A new dropped kerb and two spaces eat what little remains. No swept-path for a car, a fire appliance or a refuse truck is on the file.

- ***Visibility and the electricity pole:*** A new entrance onto a public road needs sightlines appropriate to speed and width (Chapter 5 / Chapter 12, DMURS, DMRB). The file has none. A electricity pole sits immediately south of the proposed opening. The junction sits immediately north. Forward visibility along the lane and visibility for a driver leaving the site have not been measured. Planning permission for a gate is not roads-authority consent for works in the public road, to the lighting column or to the half of the wall that is DLRCC's.

- ***Pedestrians:*** There is no usable footpath on the applicant side of the lane. Residents, children and visitors walk in the carriageway. A new conflict point at the pinch, with reversing cars, fails DMURS. Construction would put hoarding and deliveries into the same space.

- ***Parking as overspill:*** Two spaces do not prove parking demand stays on site. Visitors, deliveries and a third car will use Station Road and the lane. Yellow lines do not stop that. They just move the conflict to the junction outside 6 Station Road.

- ***Congestion:*** One car waiting to enter and one waiting to leave will block Beeches Park and back onto Station Road. That is the layout, not a worst case.

- ***Construction traffic:*** No construction access via Marlborough Road through No. 18 is shown. Default is the lane. HGVs at this junction are a safety issue in their own right.

- ***Policy:*** The scheme is contrary to Section 12.3.7.6 (lane width and emergency access), Chapter 5 / 12 access standards, DMURS, PHP20 (amenity of 6 Station Road), and the requirement that piecemeal new accesses on back lanes not be encouraged of the Development Plan.

A house that cannot show a safe in-and-out, a legal roads consent and a lane that works should be refused.

7.10 Ground 10: Adverse precedents would be created by this planning application

A grant would not be a quiet one-off. It would be the first two-storey house in a Marlborough Road rear garden presenting to Beeches Park, the first break of this wall for a building (not a gate), and the first new vehicular access of this kind on the pinch at Station Road. DLRCC and the Commission have already said that pattern is not acceptable.

- ***Two-storey backland on this lane:*** Section 12.3.7.6 says confined backland houses should generally be single storey. The only Board grant on Beeches Park (D14A/0779) was single storey and was never built. Inspector Mannion treated that height as the character of the lane. Inspector Hamilton refused a 7.02 m two-storey house at No. 13 because it would "significantly detract from the architectural character" of the ACA and would set an "undesirable precedent." This house is 7.44 m and sits on the public wall. A grant would make the next garden on Beeches Park almost impossible to defend.

- ***Building on the party wall with no setback at all:*** D26A/0359/WEB reason 3 (2 July 2026) refused demolition of an ACA boundary wall and piers because that fabric contributes to streetscape character (HER13, HER14, Section 12.11.4). D18A/0298 said the same thing. This application goes further: the wall is replaced by the elevation. If that is allowed on Beeches Park, every planted rear garden on this lane can argue for the same move.

- ***Piecemeal gates:*** Section 12.3.7.6 of the CDP states that piecemeal backland development with multiple vehicular access points will not be encouraged. One new opening on yellow lines, next to a electricity pole, next to the junction, is exactly that pattern. A grant invites the next owner to cut the next wall.

- ***Design that DLRCC has already called contextually misplaced:*** D26A/0359 refused a compact contemporary house in an ACA as contextually misplaced: scale, height and massing disrupting the ACA. Hamilton found no ACA features of interest in the No. 13 house. A flat-roofed two-storey box on a 1.2 m wall line would license the same form on every back garden in this ACA.

- ***Amenity of the house across the pinch:*** PHP20 and Objective A protect 6 Station Road. If a two-storey public elevation, first-floor windows, headlights and a construction site on the junction are treated as acceptable, every lane-side house in the County becomes fair game. That is not a local detail. It is the point of PHP20.

- ***Trees:*** Reg. ref. D21A/1057's refusal decision treated tree loss as part of the reason for refusal. Drawing 107 marks trees for removal with no survey. A grant without an arborist report would weaken Section 12.7.3 across this ACA.

Conclusion

Permission would set precedents for two-storey garden infill on Beeches Park, for replacing an ACA wall with a building, for piecemeal new accesses, and for unassessed injury to the house across the pinch. Those precedents are contrary to HER13, Sections 12.3.7.6, 12.3.7.7 and 12.11.4, PHP20 and the decisions already taken at No. 13 and, on wall loss, at D26A/0359. Permission should be refused.

7.11 Ground 11: Depreciation in the value of adjoining properties

Our clients are concerned that the proposed development would seriously injure the amenities and depreciate the value of their property. The potential impact that a proposed development can have on an adjoining property is recognised by the Planning Acts which include a reason for refusal reason 10 (c)

of the Fourth Schedule 'Reasons for the Refusal of Permission which Exclude Compensation' of the Planning Acts 2000-2015:

> *10. In the case of development including any structure or any addition to or extension of a structure, the structure, addition or extension would— (c) seriously injure the amenities, or depreciate the value, of property in the vicinity.*

Our clients submit that this reason for refusal is appropriate in this case.

7.12 Ground 12: Construction phase concerns – issued without prejudice

These points are without prejudice. They do not mean that any part of the scheme is acceptable. The correct decision is refusal. If DLRCC were nonetheless to contemplate a grant or further information, the construction of a two-storey house on the party wall of Beeches Park, at the Station Road pinch, next to 6 Station Road, has not been assessed and is not safe as drawn.

7.12.1 There is no construction method on the file

There is no Construction Environmental Management Plan, no construction traffic route, no scaffolding or over-sailing method, and no consent to work on the half of the wall that is understood to be DLRCC's. The default access is Beeches Park and Station Road. That is our clients' frontage. A condition requiring a CEMP after grant leaves the injury off the public file.

At minimum, before any grant:

- A ground-condition report for the red line, the remaining wall and the lane.
- A method for taking down the wall that does not undermine DLRCC's half or services in the carriageway.
- Proof that the lane elevation can be built without scaffolding, hoarding or over-sailing on the public road or toward 6 Station Road. If it cannot, the house is sited too close.
- All plant, deliveries and worker parking to use Marlborough Road through No. 18, not Beeches Park, unless DLRCC as roads authority agrees a documented alternative.
- Indemnity for 6 Station Road and for DLRCC wall against vibration, movement and debris.
- Dust, mud and wheel-wash controls at the junction.
- Protection of any trees not already marked for removal, and of roots under the lane.

7.12.2 Hours

6 Station Road is a quiet frontage. Our clients work from home in part. If permission were ever granted, construction and deliveries should be limited to 08:00–18:00 Monday to Friday and 09:00–14:00 on Saturday, with no work on Sundays or bank holidays and no "special" deliveries outside those hours.

7.12.3 Complaints

The application has no liaison number and no complaints procedure. Any permission should name a person who can be reached during working hours, with a written process if noise, vibration, blocked access or damage is not stopped the same day.

7.12.4 The party wall and vibration

The house is designed onto the wall. Demolition, excavation and building on that line can move the remaining fabric and the carriageway. There is no baseline vibration survey. Tell-tales and vibration monitoring on the wall and at 6 Station Road should be in place before demolition starts. Works should stop if movement exceeds the structural engineer's agreed limit.

7.12.5 Noise

There is no baseline and no prediction. Breaking out the wall, excavation and frame erection at a few metres from 6 Station Road will be a significant, short-term, adverse change from the present quiet lane. The file offers no barriers, no envelope to scaffolding, and no stop level. If DLRCC were ever to grant, works within 10 metres of 6 Station Road should not proceed without a scheme that keeps construction noise at the facade below a specified LAeq, with live monitoring and an automatic stop if that level is broken.

7.12.6 Conclusion

Construction is part of the PHP20 injury. The site has no other public frontage. The wall is partly DLRCC's. None of that is designed. Permission should be refused. Conditions cannot invent an access that does not exist or a method that needs land the applicant does not control.

8.0 Conclusion

This application is for a two-storey, 7.44 metre, four-bedroom house on a 0.036 hectare slice of the rear garden of Warriston, No. 18 Marlborough Road, with a new gate and two parking spaces on Beeches Park, in the Marlborough Road Architectural Conservation Area. Our clients occupy 6 Station Road, immediately east of the rear garden of No. 18, at the pinch where Beeches Park meets Station Road. They are the household that would live with the applicant's eastern elevation, windows, the headlights from cars passing in and out, and the works.

Objective A requires residential amenity to be protected. PHP20 requires the same where existing homes adjoin more intense infill. Section 12.3.7.6 requires a confined backland house to be generally single storey, 22 metres from facing first-floor windows, with 60 sq.m of private open space exclusive of parking for each four-bed house, and a lane 3.7 metres wide that can take a fire tender. PHP22 does not apply. Beeches Park is not a mapped mews lane. HER13 and Section 82 require the ACA to be preserved or enhanced. The Compact Settlements Guidelines require historic character and existing occupiers to be protected and impacts to be reasoned.

None of those tests is met.

The house is taller than the two-storey rear house DLRCC and Inspector Hamilton refused at No. 13 Marlborough Road (D21A/1057 / ABP-312909-22). It sits on the public wall, not off it. The applicant's own separation to No. 18 is 20 metres. Open space for both houses after parking is not tabulated. There is no swept-path, no visibility splay, no roads consent for works to a wall that is partly DLRCC's, and no demonstration that cars can leave in a forward direction. Pedestrians on the application-site side of Beeches Park already walk in the carriageway. The only footpath is on the opposite side. Construction would use the same pinch.

The Design Statement's claim of "no effect" on the ACA is not an assessment. There is no conservation report and no arborist report. Drawing 107 marks trees for removal. The wall that encloses the garden would be replaced by a flat-roofed two-storey façade with windows onto yellow lines. The Commission has previously held that generous plots, trees and hedging are the character of these gardens, that ACA tests are more onerous than ordinary infill, and that national guidance restricts infilling gardens. DLRCC's 2026 refusal under reg. ref. D26A/0359 treated demolition of an ACA boundary wall as a standalone reason. This scheme goes further.

Likely impacts on 6 Station Road have not been assessed by the applicant. There is no BRE 209 pack, no verified view from the front of that house, and no lighting or noise note for a parking court aimed at their rear garden and rear elevation. SunCalc diagrams prepared for this objection show additional afternoon and evening shadow toward the junction on the BRE dates. Overlooking is not theoretical. Ground-floor openings would sit on the party wall. First-floor windows would face the lane. Our clients would have the only juxtaposition of this kind. PHP20 does not ask them to accept surveillance so that one garden can be split.

Drainage is red-line only. The garden falls toward No. 18 and toward the lane. Losing the wall and adding hardstanding on the high side changes the path of water. There is no Uisce Éireann Confirmation of Feasibility and no exceedance route onto the retained garden or onto Station Road.

A grant would be the first two-storey Beeches Park house from a Marlborough Road garden in this ACA, the first replacement of this wall with a building, and the first new access of this kind at the Station Road pinch. Section 12.3.7.6 says piecemeal backland with multiple new gates will not be encouraged. Fourth Schedule reason 10(c) recognises serious injury to amenity and depreciation of value. Both arise here.
The covering letter describes a small compact house. The drawings describe overdevelopment of a garden that was never a building plot, on a lane that was never a mews street. That is contrary to Objective A, PHP20, PHP22, Sections 12.3.7.6, 12.3.7.7, 12.3.7.9, 12.7.3 and 12.11.4, HER13, the Compact Settlements Guidelines, and the proper planning and sustainable development of the area.

Dún Laoghaire-Rathdown County Council is asked to refuse permission.

9.0 Recommendation

Having regard to the Dún Laoghaire-Rathdown County Development Plan 2022–2028, to the Compact Settlements Guidelines for Planning Authorities (2024), to Section 82 of the Planning and Development Act 2000, to the planning history of Beeches Park and Marlborough Road (including D14A/0779, D21A/1057 / ABP-312909-22, D18A/0298 and, on ACA wall loss, D26A/0359/WEB), and to the relationship of the site with 6 Station Road, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area. Dún Laoghaire-Rathdown County Council is asked to refuse permission.

If DLRCC were minded to seek further information rather than refuse, Section 9.2 sets out the minimum that would still be required. Several of those items go to the principle of the scheme. They cannot lawfully be left to condition. Our clients' position remains that the correct decision is refusal.

9.1 Recommended reasons for refusal

BPS recommends that this planning application be refused for the reasons set out below:

1. Having regard to Zoning Objective A, to Policy Objective PHP20, and to Section 12.3.7.6 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, it is considered that the proposed two-storey dwelling, 7.44 metres in height, sited on the Beeches Park boundary of a confined backland plot of approximately 0.036 hectares, would constitute overdevelopment of the site. The Development Plan requires such development generally to be single storey, to provide a separation of not less than 22 metres where first-floor habitable windows face the existing dwelling, to provide not less than 60 sq.m of private open space exclusive of parking for each four-bedroom house, and to be served by a lane of 3.7 metres in width (3.1 metres at a pinch) capable of accommodating a fire tender or refuse vehicle. The proposed development fails those standards. It would seriously injure the residential amenity of 6 Station Road and of Beeches Park and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its height, scale, massing, flat-roofed two-storey form and siting on the public party wall of Beeches Park, would be visually dominant, visually incongruous and out of character with the established pattern of development on the lane. Beeches Park is not indicated on the zoning map as a mews lane. Policy Objective PHP22 and Section 12.3.7.9 do not apply. The only permission granted for a house with access from this lane (D14A/0779) was single storey and was not implemented. A two-storey house of 7.02 metres in the rear garden of No. 13 Marlborough Road was refused under D21A/1057 / ABP-312909-22. The proposed development would fail to respect the height and massing of existing residential units and would fail to retain boundary walls, trees and landscaping as required by Section 12.3.7.7. It would be contrary to Policy Objectives PHP20 and PHP42 and to the proper planning and sustainable development of the area.

3. The site is located within the Marlborough Road Architectural Conservation Area. The proposed development would subdivide an ACA garden, remove trees, and replace a continuous boundary wall to Beeches Park with a two-storey building elevation and a new vehicular opening. No conservation appraisal or arboricultural survey has been submitted. Having regard to Section 82 of the Planning and Development Act 2000, to Policy Objectives HER13, HER14, HER20 and HER21, to Section 12.11.4 and Section 12.7.3 of the Development Plan, and to the findings of the Inspector in ABP-312909-22 that the special character of these plots includes generous gardens, mature trees and hedging and that national guidance restricts the infilling of gardens in ACAs, it is considered that the proposed development would not preserve or enhance the character of the ACA. It would set an undesirable precedent for further such development on Beeches Park. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4. The proposed vehicular entrance and two parking spaces, located on double yellow lines, adjacent to a lighting column, close to the junction of Beeches Park and Station Road, and on a lane with no usable footpath on the applicant side, have not been shown to be safe. No visibility splays, no swept-path analysis for a private car, fire tender or refuse vehicle, and no consent from the planning authority as roads authority for works in the public road or to a wall understood to be partly in the ownership of DLRCC, are on the file. Cars have not been shown to enter and leave in a forward direction. The proposed development would endanger public safety by reason of traffic hazard, would seriously injure the amenity of 6 Station Road, and would be contrary to Section 12.3.7.6, Chapters 5 and 12 of the Development Plan, DMURS, and the proper planning and sustainable development of the area.

5. It has not been demonstrated that the proposed development would not seriously injure the residential amenities of 6 Station Road by reason of overbearing, overlooking, perception of overlooking, headlights and vehicle noise from parking on the public boundary, overshadowing, and construction on the lane. No BRE 209 assessment of that property has been submitted. The Compact Settlements Guidelines for Planning Authorities (2024), including sections 3.4.2, 5.3.7 and 5.9.1, require existing occupiers to be protected and impacts to be quantified. The proposed development would be contrary to Zoning Objective A, Policy Objective PHP20 and the proper planning and sustainable development of the area.

6. The surface-water and drainage particulars relate to the red-line cell only and do not address the residual garden of No. 18, exceedance routes toward that house and toward Beeches Park, climate-change uplift, long-term maintenance, or Confirmation of Feasibility from Uisce Éireann. The garden falls toward No. 18 and toward the lane. Removal of the boundary wall and introduction of hardstanding on the high side of that fall have not been modelled. The proposed development

would be contrary to Chapter 10 of the Development Plan and to the proper planning and sustainable development of the area.

7. The proposed development would seriously injure the amenities, and depreciate the value, of property in the vicinity, including 6 Station Road, and would therefore be contrary to the proper planning and sustainable development of the area (Fourth Schedule, reason 10(c), Planning and Development Act 2000).

8. The proposed development, by reason of its siting, design and access, would set an undesirable precedent for two-storey garden infill on Beeches Park, for the replacement of ACA boundary walls with buildings, and for piecemeal new vehicular accesses on a confined lane, contrary to Section 12.3.7.6 of the Development Plan and to the proper planning and sustainable development of the area.

9.2 Recommendations in the event of a request for Further Information

If the Planning Authority is minded to request further information rather than refuse, the list below would be the minimum. It is set out without prejudice. It does not mean the scheme can be made acceptable. It shows how much of the application is missing, and why a request of this scale is not a substitute for refusal.

The proposal is a two-storey house on a 0.036 hectare ACA garden, on the public wall of a lane that is not a mapped mews street, opposite 6 Station Road, with no neighbour study, no conservation report, no tree survey, no swept-path and no roads consent. That is not a scheme that needs a note on a drawing. It is a scheme that needs to be taken apart. Substantial further information on this scale should be re-advertised. Several items go to the principle of development. They cannot lawfully be left to condition.

1. ***Redesign that meets Section 12.3.7.6 of the CDP:*** Omit the first floor facing Beeches Park, or omit the house in favour of a true single-storey form set off the public wall. Submit full plans, elevations and sections showing:

   - height not exceeding a single storey to the lane.
   - 22 metres from first-floor habitable windows to the rear of No. 18, or no such windows.
   - 60 sq.m of usable private open space, exclusive of parking, for the new house and for No. 18 after subdivision, dimensioned on plan.
   - the Beeches Park wall repaired and retained as the face of the plot, with any opening limited to a single gate.

   A two-storey dwelling sited on the party wall on a thin laneway opposite 6 Station Road cannot be "revised" into compliance.
   .

2. ***Conservation appraisal and ACA drawings:*** An independent Heritage Impact Assessment of the Marlborough Road ACA, addressing subdivision of the garden of No. 18, loss of trees, and replacement of the lane wall with a building. Demonstrate, with reference to Section 82, HER13, HER14, Section 12.11.4 and the Character Appraisal, how the scheme would preserve or enhance the ACA. The Design Statement's sentence that gardens and walls are "not listed" is not that assessment.

3. ***Boundary wall and roads-authority consent:*** Detailed drawings of every part of the Beeches Park wall to be demolished, altered or rebuilt. Identify ownership. Submit written consent from DLRCC as roads authority where the wall, footway, lighting column or carriageway is affected. Alternatives showing retention and repair of the wall must be on the file. Planning permission for a house is not that consent.

4. ***Trees:*** A BS 5837 survey of every tree on the red line, on the retained garden of No. 18 and on the lane, with root-protection areas, a method statement, and a plan that does not rely on trees marked for removal on drawing 107 as "screening."

5. ***Visual impact from 6 Station Road:*** Verified photomontages from the front of 6 Station Road, from the Station Road / Beeches Park junction looking south, and from Beeches Park looking north. Contiguous elevations and a section through the lane to our clients' house, showing true levels and the 7.44 metre ridge. The Design Statement VIA does not include those views.

6. ***Daylight, sunlight and overlooking:*** A full BRE 209 / IS EN 17037 neighbour pack for 6 Station Road: VSC, APSH, 21 March sun-on-ground, window-by-window and garden figures, before and after. A window schedule for every opening that faces the lane or the north. Headlight paths from the two spaces. Absence of this pack is why PHP20 cannot be signed off now.

7. ***Roads, parking and pedestrians:*** Swept-paths for a private car entering and leaving in a forward direction, for a fire tender and for a refuse vehicle. Measured visibility splays in both directions. A drawing that shows how pedestrians who now walk in the carriageway are protected. A Stage 1 Road Safety Audit. Confirmation that two spaces plus visitor and delivery demand will not overspill onto Station Road.

8. ***Bat survey:*** A preliminary bat roost assessment of the trees marked for removal on drawing 107, and confirmation that removal will not take place in the bird nesting season without a nest check.

9. ***Drainage for the whole garden of No. 18:*** Not a red-line-only plan. Pre- and post-development catchments for the entire former garden. Attenuation volume, discharge rate, climate-change uplift, exceedance routes onto No. 18 and onto Beeches Park, SuDS maintenance, and Uisce Éireann Confirmation of Feasibility for new connections. Model the loss of the wall as a hydraulic edge.

10. ***Construction method that does not use the pinch:*** A Construction Environmental Management Plan showing access from Marlborough Road through No. 18, no scaffolding or over-sailing on Beeches Park or toward 6 Station Road, vibration monitoring of the party wall, hours, dust, and a named complaints contact. If the lane elevation cannot be built without the public road, the house is too close.

11. ***Precedent and piecemeal access***: A statement of how a grant would sit with the decisions made by DLRCC under reg. refs. D21A/1057 / ABP-312909-22, with D14A/0779, and with Section 12.3.7.6 on amalgamation and on multiple new gates. There is no comprehensive backland scheme for the Marlborough Road gardens.

Why this list points to refusal

Each heading is a hole in the lodged file. Together they amount to a different development: lower, off the wall, assessed for 6 Station Road, assessed for the ACA, safe on the lane, drained for both houses. The Planning Authority should not use further information to design that scheme for the applicant. The application as submitted is not a near-miss. It is the wrong house, on the wrong line, on the wrong lane. Dún Laoghaire-Rathdown County Council is asked to refuse permission.

Brendan Byrne Buck

BPS Planning Consultants LTD
Members of the Irish Planning Institute
29 September 2026

Observations On-Line Cover Sheet	
	D26A/0651/WEB
Location:	Beeches Park, to rear of No. 18 Marlborough Road, Glenageary, Dublin
Observers Name:	Ms Sinead Reihill
Date Received	05/10/2026
Observer Address:	Inver Marlborough Road Glenageary DUBLIN A96V4D8

Comments:

To: Dunlaoghaire Rathdown County Council, ???Re: Planning Application Reference?Number: D26A/0651/WEB, Applicants name: David Cullen, Registered date: 31 Aug 2026, , Date: 04/10/2026, Name: Sinead Reihill , Address: Inver, Marlborough road, Glenageary, Co.Dublin, A96V4D8, [redacted] ???These objections and observations to the proposed development. are being submitted by a third-party, namely Sinéad Reihill as an immediate neighbour sharing a boundary. , , Core Arguments re.objection:, , 1. ???Principle of Backland Development/ Overdevelopment: Whilst there have been some ONE story 'seomra' style garden build additions to some houses on our road, it must be noted that these are ONE story builds. In my opinion, the TWO story proposed house will be completely out of character and too large for the size of the site which is why I am objecting to such a high house. , 2. ???Loss of existing mature trees will have an impact on the privacy we currently enjoy. , 3. ???Daylight / Sunlight Impact: the western light to the only half of my garden that has light from mid afternoon will be blocked., 4. ???The Design, Scale, and Visual?Integration does not sit well amongst the existing houses in the area hence why our properties and gardens have been placed under an Architectural Conservation Area in order to preserve the architectural integrity., , , O