



An
Bord
Pleanála

Board Order
ABP-321777-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4374/24

Appeal by John and Margaret Courtney care of Patrick Joyce Associates Consulting Engineers of 2 Prospect Grove, Stocking Lane, Rathfarnham, Dublin against the decision made on the 20th day of December 2024 by Dublin City Council in relation to the application by John and Margaret Courtney for permission for development comprising (i) permission for new vehicular access, to facilitate disabled driver, including alterations to existing wrought iron railings and (ii) permission/ retention permission for works to front garden area to facilitate vehicular space for disabled driver and installation of access ramp to lower ground floor apartment, at 36 Leinster Road, Rathmines, Dublin, in accordance with the plans and particulars lodged with the said Council (which decision was to grant permission, subject to conditions, for (a) alterations to existing wrought iron railings (repair of railings only); (b) works to front garden area (landscaping works only); (c) installation of access ramp to lower ground floor apartment; and to refuse permission for a new vehicular access, to facilitate disabled driver, including alterations to existing wrought iron railing (removal of railing); works to front garden area (provision of parking space) to facilitate vehicular space for disabled driver). The proposed development is within the curtilage of a Protected Structure.

Decision

GRANT permission for (a) alterations to existing wrought iron railings (repair of railings only); (b) works to front garden area (landscaping works only); (c) installation of access ramp to lower ground floor apartment in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for (a) a new vehicular access, to facilitate disabled driver, including alterations to existing wrought iron railing (removal of railing), and (b) works to front garden area (provision of parking space) to facilitate vehicular space for disabled driver) based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the location of the subject site within an urban area, the provisions of the Dublin City Development Plan 2022-2028 (as amended) and the Architectural Heritage Protection Guidelines for Planning Authorities (2011), the nature, scale and form of the proposed development and development proposed for retention in the grounds of a Protected Structure, and the totality of information in the submissions, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed for retention involving (a) alterations to existing wrought iron railings (repair of railings only), (b) works to front garden area (landscaping works only) and (c) installation of access ramp to lower ground floor apartment would be acceptable, would not have a negative impact on the character of the Protected Structure and its setting, and would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development as set out in the reasons and considerations (1) shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission excludes the new vehicular access and parking space in the front garden area.

Reason: In the interest of clarity.

3. Prior to commencement of development, the developer shall agree the following in writing with the planning authority:
 - (a) Revised landscaping proposal for the front garden layout which incorporates the removal of the parking space and an increase in the soft landscaping area;
 - (b) Revised design for the access ramp, including details of the proposed paving (stone flags) to the pedestrian path and ramp and a detailed conservation-led specification and methodologies for the installation of stone paving flags or setts that shall be in keeping with the character of the Protected Structure including the proposed bedding and lime based pointing to the joints; and

- (c) Site exemplars for the removal of flaking paint and rust and repainting of the railings and removal of cementitious pointing, raking out, cleaning, and repointing of the plinths shall be agreed on site with the planning authority Conservation Officer prior to works commencing.

Reason: In the interest of the protection of architectural heritage.

4. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

5. All works shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

Reason: To ensure that the integrity of this protected structure is maintained and that the repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

Reasons and Considerations (2)

1. The proposed vehicular entrance would result in the removal of on-street public parking to accommodate a private vehicular entrance and parking space, which would be contrary to Policy SMT25 of the Dublin City Development Plan 2022-2028. The reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties, would be contrary to the stated policy, and would set an undesirable precedent for other similar developments in the area. The development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The vehicular entrance and parking space in the front garden would seriously injure the architectural character of both the setting of the Protected Structure and the historic streetscape, and would give rise to an unacceptable loss of original historic fabric and character. The proposed works would, therefore, contravene Policy BHA2 and BHA9 of the Dublin City Development Plan 2022-2028, and Section 16.10.18 and 13.4.3 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) issued by the Department of the Environment, Heritage and Local Government and would set an undesirable precedent. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission the Board concurred with the assessment of the planning authority that Policy SMT25 provides a strong policy requirement in the development plan for the retention and management of on-street parking spaces to safeguard and enhance city living for people of all ages and abilities and for families. Notwithstanding Policy QHSN25 of the development plan referenced by the Planning Inspector, the Board preferred the assessment of the planning authority's Assistant Architectural Conservation Officer and Senior Executive Architectural Conservation Officer (Grade 1 Conservation Architect) that the development would significantly alter the architectural character of the setting and curtilage of this Protected Structure as well as adjoining structures along the road.

Eamonn James Kelly
Eamonn James Kelly

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



Dated this 26th day of May 2025.