

An
Coimisiún
Pleanála

Commission Order
ABP-322214-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: 3017/25

Appeal by Andrea Kelly and Kerill O'Shaughnessy care of Wilson Hill Architects of Number 15, The Seapoint Building, 44-45 Clontarf Road, Clontarf, Dublin against the decision made on the 11th day of March, 2025 by Dublin City Council in relation to the application for permission for development comprising proposed off-street parking and formation of a vehicular access off Palmerston Road to include the partial removal of the existing front railings and plinth, provision of inward opening vehicular gates, dishing of footpath and associated ancillary alterations and landscaping works at 54 Palmerston Road, Dublin (a Protected Structure), in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for the proposed paving to pedestrian entrance footpath, brick retaining wall and brick paving to lower patio area to the lower ground floor light well and to refuse permission for the proposed off-street parking and formation of a vehicular access off Palmerston Road to include partial removal of the existing front railings and plinth, provision of inward opening vehicular gates, dishing of footpath and associated ancillary alterations and landscaping works).

Decision

REFUSE permission for the proposed off-street parking and formation of a vehicular access off Palmerston Road, to include the partial removal of the existing front railings and plinth, provision of inward opening vehicular gates, dishing of footpath and ancillary alterations and landscaping works for the reasons and considerations marked (1) under.

GRANT permission for the proposed paving to pedestrian entrance footpath, brick retaining wall and brick paving to lower patio area to the lower ground floor light well in accordance with the said plans and particulars based on the reasons and considerations marked (2) under and subject to the conditions set out below.

Reasons and Considerations (1)

Section 4.1 'On Street Parking' of Appendix 5 of the Dublin City Development Plan 2022-2028 states, inter alia, that the planning authority will preserve on-street parking where appropriate and that there will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces. Furthermore, section 4.3 'Parking in Front Gardens' of the said Appendix states, inter alia, that proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street parking and there is a strong demand for such parking. The Commission considers that the proposed off-street parking in this residential area will result in the loss of on-street public parking where residents are largely reliant such on-street parking and would, therefore, conflict with said sections 4.1 and 4.3, and would be contrary to Policy SMT25 and section 8.5.7 of the Dublin City Development Plan 2022-2028, which aim to manage

on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements. 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 for the vehicular access, the off-street parking and associated works, the Commission agreed with the planning authority's concerns and the issues raised in the planning authority's Transportation Planning Division Report (dated 18th January 2025) and found that the proposed loss of on-street public/shared parking to facilitate private off-street parking would conflict with sections 4.1 and 4.3 of Appendix 5, and Policy SMT25 and section 8.5.7, of the Dublin City Development Plan 2022-2028. The Commission also noted the error in the Inspector's Addendum Report where it states that the Commission accepted that the loss of on-street parking was not a significant issue in planning register reference WEB1397/25 (ABP-322582-25). The Commission refused permission for development, in that instance, for two reasons, one of which related to the loss of on-street car parking (Reason and Consideration number 2 in that case refers).

Reasons and Considerations (2)

Having regard to the nature and scale of the proposed paving to pedestrian entrance footpath, brick retaining wall and brick paving to lower patio area to the lower ground floor light well, it is considered that, subject to compliance with the conditions hereunder, the proposed works will not adversely impact on the character or setting of the Protected Structure on the site, and would improve the residential amenity of the dwelling. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

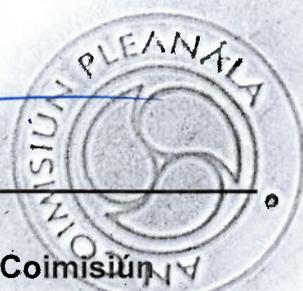
2. Prior to the commencement of development, the developer shall submit samples of the paving and brick to be used in the works, for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement. In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Coimisiún Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.

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

3. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, a specification and method statement, covering all works to be carried out, to ensure the development is carried out in accordance with good conservation practice.

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


Tom Rabbette
Planning Commissioner of An Coimisiún Pleanála
Pleanála duly authorised to authenticate
the seal of the Commission



Dated this 31st day of Dec. 2025