

An
Coimisiún
Pleanála

Commission Order
ACP-323263-25

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 2460668

Appeal by Bentleys Limited against the decision made on the 14th day of July, 2025 by Kilkenny County Council to refuse permission for the proposed development.

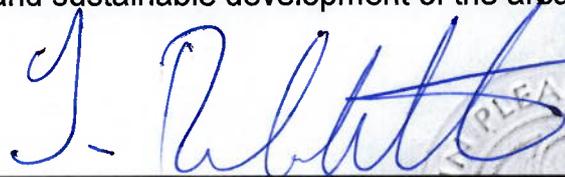
Proposed Development: The development will consist of:- (a) The change of use from a commercial to residential property, (b) Demolition and alterations to the existing building, extension to the rear of the existing building on ground and first floor, subdivision of the building into two number studio apartments on ground floor and a two-bedroom apartment on the first floor along with all necessary ancillary services and associated site works at Number 53 John Street Upper, Gardens, Kilkenny.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

It is a Development Management Requirement of the planning authority to have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' when assessing proposals for development affecting a protected structure and buildings listed in the National Inventory of Architectural Heritage (NIAH), as indicated at section 9.3.2.2 of Volume 1 of the Kilkenny City and County Development Plan 2021-2027. The structure, the subject of the planning application, is listed on the NIAH (reference NIAH Register number 12000176) and is located within the John Street Architectural Conservation Area as indicated at section 4.5.4 'John Street ACA' of Volume 2 of the Kilkenny City and County Development Plan 2021-2027. Section 3.10.2 'Proposals for demolition' in the above-mentioned Architectural Heritage Protection Guidelines states, inter alia, the following: "Where it is proposed to demolish a structure that contributes to the character of an ACA or to demolish behind a retained façade, the onus should be on the applicant to make the case for demolition". Having regard to the submissions made at application stage and in the grounds of appeal, the Commission is not satisfied that the applicant has made the case for the demolition of the rear wall of this building in this instance. The Commission, therefore, is not satisfied that the proposed development would not adversely impact on the architectural heritage of area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Tom Rabbette

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

Dated this 2nd day of MARCH 2026.