



An
Coimisiún
Pleanála

Inspector's Report ACP-322966-25

Development	For demolition and removal of two existing derelict dilapidated houses and associated works.
Location	23-25, Old Kilmainham, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB2109/24
Applicant(s)	Dublin Providers Limited (DPL).
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Decision
Appellant(s)	Dublin Providers Ltd. (DPL).
Observer(s)	Deputy Máire Devine T.D. Peter Keenahan.
Date of Site Inspection	29 th August 2025.
Inspector	P Byrne

1.0 Site Location and Description

- 1.1. The appeal site relates to 23-25 Old Kilmainham Dublin 8. The plot, located to the northern side of Old Kilmainham Road, is broadly rectangular in shape and extends to a stated area of 0.15 Ha. The River Camac flows to the north, with residential properties sited to its northern bank addressing the appeal site. A gable-fronted industrial building, aligning on a north south axis, is also located on site and is bounded by a concrete yard to its southern and eastern elevations. The industrial building and yard were in use for the storage of building materials on the day of the inspection and frequent forklift movements between the appeal site and a property on the southern side of the road were observed.
- 1.2. To the south of the site abutting the public footpath stand two-storey gable ended properties which have been over clad with a sheet metal roof. Four first floor window opes to the front elevation are boarded up with mock glazing depicted thereon. A ground floor door ope is also boarded up/gated to the street elevation. The timber/ply base of a disused billboard is positioned to the western gable end and extends beyond the front and rear roof slopes.
- 1.3. A terrace of two-storey dwellings on Shannon Terrace abuts the site to the east. A number have been extended by single storey extensions to the rear returns which abut the boundary wall of the appeal site, or in some instances directly front the concrete yard of the site. Also, to the east stand two brick-fronted, two-storey properties forming a short terrace with the subject structures. The roof ridge level of these neighbouring properties exceeds that of the subject buildings, but all maintain a common building line to the public road.
- 1.4. To the west, the site is bounded by contemporary two, three and four storey commercial buildings, set back from the road edge with a parking area located to the south.
- 1.5. More generally, the surrounding area contains a mix of uses including commercial and residential accommodation in older or re-purposed properties as well as within contemporary infill development. This includes a large commercial premises to the south of the road and opposite the appeal site, occupied by DPL Group Ltd (Bathroom World).

2.0 Proposed Development

- 2.1. The proposed development relates to the demolition and removal of two structures fronting the public road; the making-good of brickwork to the adjoining gable with application of a new sand cement render finish; the strengthening of the adjacent chimney stack and provision of new barge board detail. The development also provides for the making good of the existing ground floor slab, provision of a new concrete slab at the same level as the existing yard and extension of existing fence.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 10th June 2025, Dublin City Council refused permission for the proposed development for 1 no. reason as set out below:

1. *'The proposed demolition of the buildings at no. 23-25 Old Kilmainham which would result in the loss of the architectural character to the streetscape and the historic grain of the Kilmainham Village. The applicant has failed to adequately demonstrate justification for the proposal, with no planning gain, which would therefore be considered contrary to Policy BHA 6 (Buildings on Historic Maps) and Policy BHA11 (Rehabilitation and Reuse of Existing Older Buildings of the Dublin City Development Plan 2022-2028. The proposed development would therefore be contrary to the proper planning and sustainable development of the area'.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Two reports were prepared by the Planning and Development Department. The initial report dated the 31st of October 2024 recommended a request for Additional Information while a further report is dated 10th June 2025. The reports noted the location of the site within Zone 1 (Z1) Sustainable Residential Neighbourhoods and its location within a Zone of Archaeological Constraint for Recorded Monument RMP DU018-020. The initial report raised

concerns in relation to lack of justification for demolition, having regard to Development Plan policies BHA6 and BHA11. Concerns were also raised in relation to the intended finish to the gable end of no. 22 Old Kilmainham. The reports generally reflect concerns raised by the City Archaeologist and the Conservation Officer. Additional Information in the form of a Structural Survey and Architectural Heritage Impact Assessment, together with a set of survey drawings cross-referenced with photographs were requested. Whilst acknowledging a previous decision to permit demolition (Ref ABP-300972/18 Reg. Ref. 3188/17), the planning report concluded that the loss of the structures, without adequate planning gain was not justified and was contrary to Development Plan policy.

3.2.2. Other Technical Reports

- **Engineering Department- Drainage Division:** Report dated 2nd October 2024 did not highlight any concerns and referred to the requirement to comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 and the protection of public sewers during demolition works.
- **Archaeology, Conservation and Heritage:** Two reports were received from the Conservation Officer with the initial report dated 21st October 2024. A further report dated 29th May 2025 was received following lodgement of Additional Information. The initial report referred to the age of the structures and historical significance to the area. The location of the site within the Zone of Archaeological Constraint for Recorded Monument RMP DU018-020 (Historic City) was noted as well as the absence of the structures from inclusion on the Record of Protected Structures (RPS). The reports recommended that permission be refused.
- **City Archaeologist:** Two reports dated 22nd October 2024 and 28th May 2025 were received. The initial report recommended that development be refused and indicated insufficient justification for demolition. It indicated that the history and date of the structures was not fully understood; that the record was incomplete, and that demolition would further contribute to the loss of

historic fabric. A subsequent report reiterated the recommendation to refuse permission.

3.3. Prescribed Bodies

- **Department of Housing, Local Government and Heritage:** Report dated 16th October 2024 related to Nature Conservation and indicated the potential to disturb the roosting habitat of a population of bat species and distribution to nesting birds (Swifts). By way of mitigation, the report recommended conditions requiring a bat and Swift survey be conducted by a suitably qualified ecologist and application for a Derogation Licence under the European Communities (Birds and Natural Habitats) Regulations 2011 should potential roosts be identified.
- **An Taisce:** Report of An Taisce dated 15th October 2024 referred to the historical significance of the structures and the potential for upgrading and improved use. The report refers to policy within the Dublin City Development Plan including in relation to re-use and preservation of built heritage and concluded that permission for demolition should be refused

3.4. Third Party Observations

5 no. Third Party Observations were received. The issues raised relate to the historical importance of the structures and significance of no. 23 as one of the oldest surviving domestic-scale houses in the area; loss of building line compounding damage to the urban character; replacement boundary railings and inappropriate use of the site as outdoor storage; damage to residential character of the area, loss of irreplaceable building stock, maintenance responsibility of property owners; lack of clarity in relation to intended use of the property and alignment with underlying land

use zoning. Submissions also refer in detail to reports forming part of previous planning applications on site, rebutting the arguments made within.

4.0 Planning History

Appeal site

PA Ref. Ref. 3567/20 Permission Refused for amendments to **Ref. ABP-300972-18 (Ref 3188/17)** an apartment scheme.

Reasons for refusal related in summary to:

1. Non-compliance with Flood Risk Management Guidelines, failure to successfully mitigate flood risk and prematurity pending the outcome of Camac Flood Alleviation study resulting in serious injury to the residential amenity of adjoining sites.
2. Inadequacy of service access proposals and drop-off and parking provision to serve the development resulting in overspill parking and servicing activity thereby being contrary to Apartment Design Standards and Dublin City Development Plan Objectives resulting in the endangerment of public safety by reason of traffic hazard.

ABP -300972-18 (PA Reg. Ref. 3188/17) Permission Granted by An Bord Pleanála for demolition of existing buildings at 23-25 Old Kilmainham Road and construction of a 26-no. unit apartment development (reduced to 24 no. apartments and 1 no. commercial unit by way of Further Information) in two blocks over basement car park.

Planning Enforcement

The planning report noted the issuing of Warning Letters on two occasions, with both Enforcement cases now closed.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

The site is located in Zone 1 (Z1) Sustainable Residential Neighbourhoods where the objective is to *‘protect, provide and improve residential amenities’*.

Lands to the immediate west of the site are within Zone 10 (Z10) Inner Suburban and Inner City Sustainable Mixed Uses where the objective seeks to *‘consolidate and facilitate the development of inner city and inner suburban sites for mixed uses’*.

Lands to the north, including the River Camac and lands south of Kilmainham Lane are located within a Conservation Area.

Policy BHA6 Buildings on Historic Maps

Policy BHA6 Buildings on Historic Maps states as follows *‘That there will be a presumption against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847. A conservation report shall be submitted with the application and there will be a presumption against the demolition or substantial loss of the building or structure, unless demonstrated in the submitted conservation report this it has little or no special interest or merit having regard to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011)’*.

The Development Plan also cites under Section 11.5.3 that *‘many of the older buildings and structures in the city, whilst not included on the Record of Protected Structures or located within an Architectural Conservation Area, or Conservation Area, make a positive contribution to the historic built environment of the city.....There will be a presumption against demolition of individual structures of vernacular or historic/ social interest that contribute to the character of an area’*

Policy BHA11 Rehabilitation and Reuse of Existing Older Buildings

a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment. (b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features. (c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric’.

Section 15.5.1 Brownfield, Regeneration Sites and Large-Scale Development

Section 15.5.1 - Considerations for such forms of development include the manner in which a scheme contributes to the streetscape in creating an active and vibrant public realm; provision of appropriate materials and finishes in the context of surrounding buildings and consistency with the character of the area.

Record of Protected Structures (RPS)/ National Inventory of Architectural Heritage (NIAH)

The site or structures thereon are not included on either the RPS or NIAH. The site is not within or does not border an Architectural Conservation Area (ACA).

Note: The appeal site or the structures thereon do not feature on either the Derelict Sites Register or the Vacant Sites Register held by the Planning Authority.

5.2. Archaeology

The National Monuments Historic Environment Viewer indicates the Sites and Monuments Record (SMR) zone of two sites DU018-020299 (Bridge) and DU018-

020300 (16th/17th century house) intersect the wider application site to the west (but exclude the subject structures proposed for demolition).

The application site is located within the SMR Zone of DU018-020 Historic City.

5.3. Natural Heritage Designations

The site lies approximately 0.46 km from Grand Canal pNHA (Site Code 002104) and is approximately 6.0km from South Dublin Bay SAC (Site Code 000210), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay pNHA (Site Code 000210)

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

- The buildings are in an advanced state of terminal decay and cited as being dangerously unsound with loss of cohesion to brickwork and loss of load bearing to upper walls with the only remedy being widespread replacement of brickwork.
- Application by the Planning Authority of Policy BHA 6 is not supported having regard to the previous award of planning permission under Reg. Ref. 3188/17

which permitted demolition. The structures are of low merit, acknowledged by their omission from any tiered Schedules of Preservation under the current or preceding Dublin City Development Plans.

- The decision of Reg. Ref. 3188/17 was upheld by An Bord Pleanála under appeal Ref ABP-300972-18.
- Application of Policy BHA-11 (Rehabilitation and reuse of Existing Older Buildings) as a reason for refusal is inappropriate and impractical given the condition of the buildings and low order of merit.
- The structures are not included on the RPS and are absent from the NIAH.
- A Structural Report undertaken by Kavanagh Mansfield & Partners Structural Engineers expressed concern as to the advanced state of decay noting that measures to bring about preservation would necessitate removal and replacement of most masonry and timber components and could likely require near-full replacement. The report in particular notes:
 - substantial portions of the side and rear walls are structurally unsound with large cracks progressed across whole areas of wall, in some cases accompanied by substantial movement and misalignment of areas of brickwork.
 - Bricks are in an advanced state of decay, particularly throughout the side and rear walls. Cohesion within the bricks has been lost necessitating the replacement of brickwork to foundations in areas of terminal decay.
 - While not possible to examine the foundations or the rising walls, on the basis of the advanced decay evident in the superstructure, it is reasonable to conclude that the rising walls are in a similar condition, requiring full or substantial replacement.
 - The structures are dangerously unstable and require temporary internal shoring due to the increased span of the walls from ground to roof level resulting from the loss of the timber floor structure to rear areas.

- There is evidence of substantial separation of the rear wall from side walls evidenced by vertical cracking. The gable corner is terminally compromised with the structures in these areas of separation unstable and dangerous.
- The premises should be sealed off from the public.
- Architectural Heritage Impact Assessment prepared by Sheridan Woods Architects.
- Anti-social behaviour including rough sleeping and rodent infestation.
- External false sheet-metal roof and external cladding potentially conceal the condition of the front elevation.
- Risk of building collapse with immediate danger to passersby and employees.
- Reinstatement of the gable wall of House 22B will be undertaken, including repair of missing/broken bricks, stabilisation of chimney and application of new sand cement render with requisite care taken to ensure preservation of existing quoin stones.

7.2. Planning Authority Response

- None on file.

7.3. Observations

7.4. On the 31st of July 2025, a Third-Party Observation was received from Deputy Máire Devine which can be summarised as follows:

- Poor state of repair given the neglect of the buildings is moot given the intent to demolish and replace with a concrete structure to accommodate plumbing supplies.
- No intent to protect, preserve or stabilise the structures which are the oldest domestic-scale buildings not alone in Kilmainham but city-wide. Structures are unique and comprise the last substantially intact 17th century house.
- Tripartite meeting between the local authority, appellant and conservationist is suggested to agree the future of the structures and surrounding site.

On the 5th of August 2025, a Third-Party Observation was received from Mr. Peter Keenahan. The issues raised are broadly similar to those raised in the submission to the application and are summarised below:

- Structures are a rare surviving example of the built heritage of the late 17th century.
- Inappropriately wide yard frontage to the streetscape.
- Non-inclusion of the property on the RPS or NIAH is inexplicable with no legislative basis for not including during the course of a live planning application. Obligations on local authorities to identify and protect buildings of heritage.
- Automatic protection should be afforded structures which predate 1700 under National Monuments legislation.
- The Record of Monuments and Places includes a site on an adjacent plot the citation for which refers to a terrace on Old Kilmainham. It would be reasonable to take RMP DU018.020300 as pertaining to the structure which is to be demolished.
- Observation describes the early history of 23-25 Old Kilmainham, including reference to what is viewed as the most important surviving feature of the house being its steeply pitched roof.
- Surviving structures which contribute to the heritage and identity of Kilmainham should be protected and conserved. A better understanding of Kilmainham's heritage may inform future Local Area Development Plan
- Historical connection of the First Party and the area, their contribution to renovation of vacant property and record of employment is acknowledged.
- The operation of separate multiple yards on both sides of the street, together with the open storage of bulk items in proximity to the structure and vehicular movements in its vicinity are inappropriate

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal and inspected the site and having regard to the relevant local regional and national policies and guidance, I consider that the main issues in this appeal relate to:

- Precedent for Demolition
- Impact on Conservation and Heritage
- Impact on Streetscape

8.2. Precedent for Demolition

The appellant states that the principle of demolition and removal of derelict dilapidated houses and associated works on this site was established by reason of the development permitted under Ref. ABP -300972-18 and PA Reg. Ref. 3188/17. This consent approved the demolition of the existing buildings at 23-25 Old Kilmainham Road and the construction of a 26 no. unit apartment development (reduced to 24 no. apartments and 1 no. commercial unit by way of Further Information). The appeal documentation cites the structures as being of low merit, acknowledged by their omission from any tiered Schedules of Preservation under the current or preceding Dublin City Development Plans.

It is contended by the First Party that the principle of demolition and removal of the subject structures has been established.

The appellant refers to the advanced state of terminal decay of the structures which are cited as being dangerously unsound with loss of cohesion to brickwork and cracking. In this regard, I have reviewed the Structural Report (Kavanagh Mansfield & Partners Consulting Structural and Civil Engineers) and I note that the inspection was restricted to '*a visual walkaround inspection only and no opening up was undertaken*'. I note also the conclusions and recommendations of the report which state *inter alia* that '*the building is in a critically compromised state and we strongly recommend its complete demolition*'.

While noting the conclusion of the Structural Report, there is no reference to or detailed examination of measures which may assist in stabilising the structure. In this regard I note past interventions which resulted in the application of a sheet metal roof cladding and covering to the structures at a date unknown to me. No detailed examination of conclusions are drawn in the Structural Report to support the application of additional stabilising measures to protect the structures or to limit their further deterioration.

I have reviewed the planning history of the site, including the decision under Ref ABP 300972-18. I am cognisant that the earlier proposal cannot be construed as a like-for-like scenario and did not comprise an application for demolition in isolation, but rather as a constituent component of a wider brownfield redevelopment for residential use. I note in this regard the decision of An Bord Pleanála to permit development subject to conditions, including Condition No. 9 which required *inter alia*, the submission of a full *architectural survey of the building proposed for demolition to include a photographic record of all elements*.

The An Bord Pleanála Inspector's report at that time also noted the absence of the structures from both the Planning Authority's Record of Protected Structures and from the National Inventory of Architectural Heritage of the National Built Heritage Service. While this is also the current position, I note that the current operative Development Plan for the area – Dublin City Development Plan 2022-2028, sets out specific policy in Chapter 11 Built Heritage and Archaeology with regard to the retention of historic buildings and reuse of building stock. While these policies are examined in further detail under Section 8.3 below, the development currently before An Coimisiún Pleanála must be assessed against the relevant policies and objectives of the operative Development Plan. In this regard, the statutory plan presumes under Policy BHA6 Buildings on Historic Maps against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847 unless it can be

demonstrated in a conservation report that little or no special interest or merit pertains.

In this regard, I note the reports of both the City Archaeologist and the Conservation Officer which raise significant concerns in relation to the demolition of the structures and recommend that permission is refused. Importantly, I note also the Architectural Heritage Impact Assessment (Sheridan Woods Architects and Urban Planners) which forms part of the First Party appeal documentation, and which finds under its Statement of Significance that the structure is one '*which makes a positive contribution to its setting as a streetscape*' and historically '*is a rarity by virtue of its age circa. 17th Century and being the last remaining in a terrace identifiable in Ordnance Survey 6 inch map of 1837*'.

I do not concur therefore that the application by the Planning Authority of Policy BHA6 Buildings on Historic Maps is incorrect and conclude that the demolition of the structures would be contrary to this stated policy. While demolition was permitted under Ref ABP 300972-18, the context and justification to underpin the decision, as well as the resultant planning gain, are significantly altered from those currently presenting. Notwithstanding the planning history of the site, it does not follow that the principle of demolition and site clearance are tied to the earlier determination, and I consider that the significantly altered circumstances warrant fresh appraisal.

8.3. Impact on Conservation and Heritage

I note the contention of the First Party with regard to the low order of merit attributable to the structures on site, particularly referring to the non-inclusion of the structures on Dublin City Council's RPS and absence from NIAH of the National Built Heritage Service. While I cannot comment on the omission of the structures from the Record and Inventory, it is clear from the documentation available to me that a high degree of historical and heritage value is attributable to the structures in question. This is reflected in the supporting reports of the Planning Authority's Conservation Officer and City Archaeologist and also within the Architectural Heritage Impact

Assessment (Sheridan Woods Architects and Urban Planners) forming party of the appeal documentation.

The Architectural Heritage Impact Assessment's Statement of Significance concludes that '*Based on the findings in this report, No. 23-25 Old Kilmainham have the characteristics of being of Architectural and Historical Interest as follows:*

Architectural: It is a structure which makes a positive contribution to its setting as a streetscape. Historical: It is a rarity by virtue of its age circa. 17th century and being the last remaining in a terrace identifiable in Ordnance Survey 6 inch map of 1837'.

The report indicates that the Degree of Impact attributable to demolishing the structures would be *Significant (Negative) – the loss of the historic structure permanently and negatively alters the character of the streetscape and the area*'.

Retention of the structure is listed as the foremost Mitigation Measures. Other recommendations listed (should demolition proceed) include, recording of construction methodology and roof construction; use of lime render finish to gable end; investigate opportunities for re-use of materials in the immediate vicinity).

Notwithstanding the historical context of the site and buildings, as well as the building fabric analysis undertaken, I am of the view that the report does not provide a clear justification for the demolition of the structures which would appear counter to the overall finding of the Assessment of one constituting a Significant Negative Degree of Impact should the works be undertaken as well as being counter to the foremost Mitigation Measure that the structure be Retained.

I also note the reports of the Planning Authority's Conservation Officer and City Archaeologist which concur that the structures are likely to have been constructed c. 1680-1700 and are a rare example of an intact 17th century dwelling. The Conservation Officer's report finds that demolition would result in the unacceptable loss of a rare example of early building as well as loss of architectural character along the historic streetscape. The report of the City Archaeologist concludes similarly, stating that the property owners should engage a qualified conservation engineer with experience dealing in historic structures to advise on stabilisation measures and to further consult with the Local Authority's Conservation Section and

National Built Heritage Service for advice. I note that while a recommendation is made to refuse permission, the City Archaeologist's report states that should permission be granted, a full record should be undertaken by suitably qualified personnel prior to works commencing, with surviving historic timber elements assessed for their suitability for Carbon14 dating and consideration given to re-use/retention/further research.

Having regard to the high degree of historical and heritage value attributable to the structures as set out in documentation available to me, including from the First Party and Third Party Observers, I consider that the assessment of the proposed development under Development Plan Policy BHA 6 (Buildings on Historic Maps) and Policy BHA11 (Rehabilitation and Reuse of Existing Older Buildings) is appropriate and justified, and I concur with the approach of the Planning Authority in this regard. The site/structures, notwithstanding non-inclusion on the RPS or protection under Architectural Conservation Area designation, do appear on historic maps of the area. Furthermore, the documentation accompanying the appeal would not concur that little or no special interest or historical merit pertains to the buildings and a clear justification for demolition has not been tabled. Consequently, I am of the opinion that the proposed development involving the demolition of the structures would be contrary to Policy BHA6 (Buildings on Historic Maps)

Regarding Policy BHA11 (Rehabilitation and Reuse of Existing Older Buildings) I concur with the recommendation of the Planning Authority that the development would be contrary to such adopted policy. I am of the opinion that the First Party has not sufficiently demonstrated that the structures cannot be rehabilitated and made structurally secure. I also concur with the findings of the Planning Authority concerning the conflicting information provided by the First Party, including the Architectural Heritage Impact Assessment which finds that demolition would have a Significant Negative impact on the streetscape.

In the absence of clear justification for demolition of the structures, together with a lack of clarity regarding the potential for rehabilitation/re-use as part of an integrated

redevelopment scheme, the proposal would be contrary to the provisions of Policy BHA11.

8.4. Impact on Streetscape

I note also Section 15.5. Site Characteristics and Design Parameters of the Dublin City Development Plan and in particular Section 15.5.1 regarding Brownfield, Regeneration Sites and Large-Scale Development. The Planning Authority in considering such schemes require *inter alia* that consideration is given to the manner in which proposals contribute to the streetscape in creating an active and vibrant public realm and that appropriate materials and finishes are provided.

I am of the opinion that the removal of the structures would further exacerbate the depletion and erosion of the streetscape in the immediate environs of the site. In this regard, the demolition of the structures would facilitate the extension of the existing concrete yard and the insertion of railings to the roadside edge consistent with the existing treatment. The plans lodged, in particular *DPL_002 Drawing: As Proposed-Revision*, indicate a significant length of roadside frontage extending to 26.5m (new and existing) where the boundary treatment would comprise a vehicular entrance gates and galvanised steel metal fencing. The result of such intervention would be a further hollowing out of the urban fabric locally, resulting in discordant and piecemeal development which would fail to contribute positively to the streetscape and public realm. I am of the view that this would be contrary to the proper planning and sustainable development of the Old Kilmainham area.

8.5. Other Matters- Land Use

The nature of the planning application and content of the First Party appeal centre on the issue of demolition of existing structures, together with minor associated works. Neither the planning application in the first instance or the appeal documentation refer in a meaningful way to the future use of the enlarged yard area resulting from the demolition works, or indeed the use of the extant remaining commercial premises and yard areas.

I note from the planning application documents that the current use of the site by Dublin Providers Ltd. would appear to rely on a continuation of commercial use and reference is made in the documents to a former use as a plant hire depot and maintenance facility associated with crane hire and more latterly, for the storage and processing of natural stone and ceramic tiles. It is stated that this latter use continued until November 2015 when the site was sold as development land with the current owners acquiring the site in 2024. I note the report of the planning officer references Enforcement Warning Letters which were issued on unrelated matters with such proceedings now closed.

Outside of the site history outlined in this report, no reference is made by the planning authority to historical planning consents relating to the site or to established pre-1963 uses. In addition, I am not aware from the documentation available to me as to whether an examination has occurred to verify if a cessation of commercial activity occurred prior to the sites' acquisition by the appellants.

While the subject of this appeal is confined to the matter of demolition, it may be prudent as part of any future planning application to examine the issue of use/intended future use, including conformity with the underlying land use zoning Objective Z1, or demonstration of compliance with historical planning consents/established uses. This is particularly relevant given the land use zoning of 'Sustainable Residential Neighbourhoods', associated Objective to protect, provide and improve residential amenities, and the specific use classes permitted and open for consideration thereunder, as sated in the Development Plan.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The site lies approximately 0.46 km from Grand Canal pNHA (Site Code 002104) and is approximately 6.0km from South Dublin Bay SAC (Site Code 000210), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay pNHA (Site Code 000210)

9.3. The subject site is located in a fully serviced urban area and is not immediate to a European Site.

The proposed development comprises the demolition of existing structures on site and the construction of a new concrete slab at the same level as the existing yard.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account determination by the Planning Authority.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

The subject site is located approximately 0.46 km north of the Grand Canal pNHA and lies adjacent to the River Camac to its northern boundary.

The development comprises the demolition and removal of existing derelict dilapidated structures and associated works.

No water deterioration concerns were raised during the planning application or appeal.

I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that permission be refused for the reasons and considerations set out below:

12.0 Reasons and Considerations

The development, providing for the demolition and removal of existing buildings at No. 23-25 Old Kilmainham, would have a significant and negative impact, resulting in the loss of architectural character and historic building fabric. In the absence of demonstrated justification for removal of the structures, the proposal would contravene Policy BHA 6 (Buildings on Historic Maps) and Policy BHA 11 (Rehabilitation and Reuse of Existing Older Buildings) of the Dublin City Development Plan 2022-2028 and would fail to contribute positively to the streetscape and public realm providing for discordant and piecemeal development. The proposal would therefore be contrary to the proper planning and sustainable development of the Old Kilmainham area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

P. Byrne
Planning Inspector

10th September 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP 322966-25
Proposed Development Summary	Demolition and removal of two existing derelict dilapidated houses and associated works.
Development Address	23-25 Old Kilmainham Dublin 8
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. The site extends to 0.15Ha.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	322966-25
Proposed Development Summary	Demolition and removal of two existing derelict dilapidated houses and associated works.
Development Address	23-25 Old Kilmainham Dublin 8
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development concerns a site extending to a stated area of 0.15Ha and seeks the demolition of derelict dilapidated structures extending to a total gross floor area of 235sq.m. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised construction impacts will be temporary. The development, by virtue of its type does not pose a risk of major accident and/or disaster.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located at 23-25 Old Kilmainham The site is located in a urban area and is zoned Z1 Sustainable Residential Neighbourhoods where the objective is to <i>'protect, provide and improve residential amenities'</i>. The site lies approximately 0.46 km from Grand Canal pNHA (Site Code 002104) and is approximately 6.0km from South Dublin Bay SAC (Site Code 000210), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay pNHA (Site Code 000210) Given the nature of the development and the site/surroundings, the proposal would not have the potential to significantly affect a European site or other significant environmental sensitivities in the area
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

Inspector:_____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Article 1(2)(a) of Amended Directive...