



An
Coimisiún
Pleanála

Inspector's Report

ACP 323105-25

Development

PROTECTED STRUCTURE: Retention a) widening of previous gateway from 2.1m to 3.2m to provide vehicular entrance to off-street parking and electrical charging points including relocation of gate piers b) alterations to existing iron railings and gate to provide automated double gates.

Location

32, Kenilworth Square West, Rathgar, Dublin 6, D06 XP38.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB 1935/25.

Applicant(s)

Gleaston Ltd.

Type of Application

Retention Permission.

Planning Authority Decision

Refuse Retention

Type of Appeal

First Party

Appellant(s)

Gleaston Ltd.

Observer(s)

Philip O'Reilly.

Date of Site Inspection

26th September 2025.

15th October 2025.

Inspector

Des Johnson.

1.0 Site Location and Description

- 1.1** No. 32 is a three bay, two-storey over ground level detached house located on the west side of Kenilworth Square West, and facing north east to the square, which is used as a sports ground.
- 1.1.1** There is an existing vehicular entrance, and gravel surface with intervening slabs to the front garden area. There appear to be places for 6 parked cars on site. There were three cars parked to the front at the time of inspection in September, and four cars parked in October. The marked on-street parking bay is continuous along the site frontage. The footpath is dished and this appears to be an insertion into the original footpath. There were vacant paid car on-street parking spaces along both sides of Kenilworth Square West at the time of both inspections.
- 1.1.2** Of the seventeen buildings along this side of the Square, eight had pedestrian only access, whereas nine (including the subject site) had vehicular access.
- 1.1.3** There appeared to be two EV charging points in the front area of No.32.

2.0 Proposed Development

- 2.1** The proposal is for retention of a) the widening of gateway from 2.1m to 3.2m to provide vehicular entrance to off-street parking and electrical charging points including relocation of gate piers b) alterations to existing iron railings and gate to provide automated double gate. The premises is a Protected Structure.
- 2.1.1** The gross floor area of the premises on site is stated to be 406sqm. The site area is 0.085ha.
- 2.1.2** The application is accompanied by a Conservation Method Statement by Cathal O'Neill and Company, Architects. This statement states that it is no longer a stated objective of the Development Plan to preserve on-street parking as a vital resource. The residents have 2 parking permits. On-site parking would free up on-street spaces. There has been a reduction in the demand for spaces in the area. There would be no adverse effect on the setting of the historic structure. The loss of historic fabric is minimal. The brick piers would be moved 500mm each. The gates would be two swinging leaves of similar design. Visual impact is minimal.

Similar works are envisaged in Section 4.3.7 of the Development Plan. The development is required for security and convenience. Charging points are proposed in line with Government policy. The development is reversible if needed in the future. The use of the property as a single family home is overall a positive effect on the historic housing stock. The building should be fit for purpose.

3.0 Planning Authority Decision

3.1 Decision

3.1.1 The Planning Authority Refused permission for 2 reasons.

The first reason for refusal contends that the development would result in the removal of on-street parking spaces on Kenilworth Square, contrary to Policy SMT25, Section 8.5.7 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 amenities of surrounding properties, would be contrary to stated policy, and would set an undesirable precedent.

The second reason for refusal refers to an unacceptable loss of original historic fabric of the Protected Structure, causing serious injury to its special architectural character and setting, and the character of the historic streetscape. This would be contrary to Policies BHA2 and BHA9 and Section 13.4.3 of the Development Plan and of the Architectural Heritage Protection Guidelines 2011. It would set an undesirable precedent.

3.1.2. Planning Authority Reports

The Planning Report states that the site is zoned Z2 with the objective *to protect and/or improve the amenities of residential conservation areas*. There is enforcement history related to the site. A number of observations were received and taken into consideration. A conservation method statement was submitted. It states that if a household with two permits takes its cars on site, it frees up another space for visitors. The report states that the provision of car parking spaces does not adversely affect the setting of the historic structure, and results in some minimal loss of original fabric. The report also states that the site includes for car parking charging points for electric cars, which is encouraged by Government. This

report has been noted. Planning permission was previously refused on this site, but the works have been carried out. Chapter 8 of the Development Plan promotes a clear shift from private car use towards more sustainable forms of transport. Transport Planning and the Conservation Officer's reports recommend refusal and these are agreed with.

3.1.3 Other Technical Reports

The Conservation Officer Report states that the unauthorised removal of part of the original front boundary wall / brick piers and stone coping and alteration of the original iron gate has resulted in an unacceptable and irretrievable loss of significant historic fabric. The unauthorised works have permanently altered the carefully designed relationship between the entrance and historic approach to the front of the Protected Structure steps, permanently altering the special architectural character, setting and presentation of the Protected Structure and the adjoining protected structures particularly No.31. The report recommends refusal.

The Transportation Planning Report states that there is a clear policy emphasis within Chapter 8 of the Development Plan on promoting a shift from private car use towards more sustainable forms of transport. The retained widening is in excess of Development Plan Standards and results in the loss of on street parking. The vehicular access should be removed and the original boundary treatment reinstated in its original form. The report recommends refusal.

The Drainage Report raises no objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Five submitted to the Planning Authority. Four are in support and one opposes the development.

4.0 Planning History

- 4.1 Reference 303136 – Permission refused on appeal for alterations to widen pedestrian gate/walls/piers to front to provide vehicular access and off-street car

parking within front garden with associated landscaping and conservation works, at this property. The refusal was for 2 reasons:

1. Material and adverse effect on the character and setting of the Protected Structure. Serious injury to the architectural character of the streetscape and the setting if Nos. 31 and 32. Contravention of Dublin City Development Plan 2016-2022 and the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.
2. Loss of on-street parking reducing supply to residents and the wider public, and contrary to Policy MT14 of Dublin City Development Plan which seeks to retain on-street parking as a resource for the city, as far as practicable.

5.0 Policy Context

5.1 Development Plan

- 5.1.1 The Dublin City Development Plan 2022-2028 is the relevant statutory plan. The site is zoned Z2 with the objective *to protect and/or improve the amenities of residential conservation areas*. No. 32 is a Protected Structure.
- 5.1.2 Section 8.3 states that Ireland is committed to cutting its greenhouse gas emissions by at least 51% by 2030 and to achieve this, a significant mode shift to active travel and public transport as well as decarbonised/low carbon mobility is required. One of the significant challenges is the need to enable and foster behavioural change to support continued modal shift to more sustainable transport options.
- 5.1.3 Policy SMT1 refers to Modal Shift and Compact Growth. One of the significant challenges is the need to enable and foster behavioural change to support continued mode shift to more sustainable transport options.

Policy SMT 2 is to support the decarbonising of motorised transport and facilitate the rollout of alternative low emission fuel infrastructure, prioritising electric vehicle (EV) infrastructure.

Policy SMT25 refers to On-Street Parking. It is policy to manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity, and accessible parking requirements.

Paragraph 8.5.7 states Dublin City Council is committed to reviewing the residential and non-residential car parking provision across the city and urban villages and evaluating the implementation of parking demand management strategies in areas where deemed appropriate and practicable.

Policy BHA 2 refers to Development of Protected Structures. Policy includes ensuring that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011), protect structures included on the RPS from any works that would negatively impact their special character and appearance, and to protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

Policy BHA 9 refers to Conservation Areas. It is policy to protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Appendix 5 Section 4.1 relates to On Street Parking. It states 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 or where there is a demand for public parking serving other uses in the area.

5.2. Architectural Heritage Protection Guidelines (2011). In Chapter 13 these address Consideration of Proposals Affecting Boundary Features. Section 13.4.3 states that proposals to remove or alter boundary features could adversely affect the character of the protected structure and the designed landscape around it. Widening an entrance or altering flanking walls or railings will alter the scale and

visual impact of the gate and gate piers. Relocating a gateway may destroy a carefully designed relationship between the entrance and the main building.

5.3. Natural Heritage Designations

South Dublin Bay SAC – c. 4.9km to the east

South Dublin Bay & River Tolka Estuary SPA & pNHA – c. 4.9km to the east

6.0 EIA Screening

The proposal is for the retention of a widened gateway to provide for vehicular access to a Protected Structure. The development proposed is not of a Class for the purposes of Schedule 5. As such, the development is excluded at pre-screening stage.

7.0 The Appeal

7.1 The Grounds of Appeal may be summarised as follows:

- The insertion of a gate removes one on-street parking space. Residents of the house are entitled to two parking permits, and a visitor might take up a third space. It is nonsense to argue that the loss of one space is too valuable an asset to lose
- The fabric of the iron gate and brick piers and granite caps is preserved on site in a slightly altered state. The 1.2m high brick wall has had approximately 1 linear meter removed. This is indiscernible
- Dublin City Council and ABP granted permission for many such gate openings over the last 30 years. Recently ABP decided that an opening to the front façade at 11a, Lower Fitzwilliam Street was acceptable (Ref: 317753-23)
- This refusal is an attempt by Dublin City Council to remove all cars from society

- Planning needs to recognise the essentials of modern living in restored historic houses
- The applicant has 2 electric cars and there is no proper provision for on street charging
- The works are done and refusal will not reinstate the historic fabric removed
- Refusal would not serve no reasonable planning objective.

7.3. Planning Authority Response

None

7.4. Observations

7.1 There is one observation which may be summarised as follows:

- The policy over numerous Development Plans in many areas has been to deny off street parking where it results in the loss of on-street parking for the benefit of the greater community and result in the loss of architectural content
- The proposal is not in compliance with the objectives and policies of the current Development Plan
- The proposal was previously refused, including one appeal refusal, and nothing has materially changed on the ground
- There have been numerous refusals for such proposals in this area
- There is vehicle access from the rear of Rathgar Avenue for the holding at 32, Kenilworth Square
- The area is Z2 Residential Conservation, and the proposal mitigates against the zoning and environmental and residential amenity objectives in the Development Plan

8.0 Assessment

8.1. The proposal relates to the grounds of a Protected Structure. It comprises the retention of the widening of previous gateway from 2.1m to 3.2m to provide for

vehicular access and on-site car parking, electrical charging points, and the relocation of gate piers. Retention is also sought for alterations to existing iron railings and gate to provide an automated double gate.

- 8.1.1 The Planning Authority refused permission for 2 reasons. The first reason states that the development would result in the loss of on-street parking spaces contrary to Development Plan policy, leading to a reduced supply of on-street parking, detracting from the convenience of road users and the residential amenities of surrounding properties, and setting an undesirable precedent. The second reason refers to an unacceptable loss of original historic fabric, contrary to provisions of the Development Plan.
- 8.1.2 The grounds of appeal contend that only one on-street parking space is removed, the fabric of the iron gates and brick piers is preserved in a lightly altered state, the provision of on-site parking recognises the essentials of modern living in restored historic houses, the appellant has two electric cars and there is no proper provision for on street charging, and refusal of permission would not serve any reasonable planning objective.
- 8.1.3 There is one observation/objection submitted. This supports the Planning Authority decision to refuse permission. The submission contends that the development is not in compliance with the provisions of the Development Plan, the development was previously refused and there has been no material change in circumstances, and there have been numerous refusals for this type of proposal in the area.
- 8.2 I consider that the key issues to be addressed are as follows:
- Planning History
 - Development Plan and Architectural Heritage Protection Guidelines
 - Precedent
 - Grounds of Appeal
 - Conclusion

Planning History

- 8.3 There is a planning history relating to this site. In April 2019, under Reference 303136-18, permission was refused by An Bord Pleanála for proposed development described as follows:

Alterations to widen the existing pedestrian gate/walls/piers to front to provide vehicular access and off-street car parking within front garden with associated landscaping and conservation works, all at 32 Kenilworth Square West, Rathgar, Dublin (a Protected Structure).

Permission was refused for two reasons as follows:

1. The proposed works, entailing intervention to the historic boundary treatment with a loss of historic fabric, would materially and adversely affect the character and setting of the Protected Structure. In addition, the proposed works would seriously injure the architectural character of both the streetscape and the setting of a pair of Protected Structures (Numbers 31 and 32 Kenilworth Square West). The proposed works would, therefore, contravene the relevant provisions of the Dublin City Development Plan 2016-2022, would be contrary to the relevant provisions of the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht in October 2011 and would, therefore, be contrary to the proper planning and sustainable development of the area.
 2. The proposed development would result in the loss of on-street parking, which would reduce the supply available to residents and the wider public on the street and, as such, would be contrary to Policy MT14 of the Dublin City Development Plan 2016-2022, which seeks to retain on-street parking as a resource for the city, as far as practicable. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area
- 8.3.1 The proposed development under Ref: 303136 was substantially similar to the development for which retention is now being sought. The width of the vehicular entrance for retention is marginally smaller than that relating to Ref: 303136, and the layout of the front garden area is different, and the current proposal for retention includes 2 electrical charging points.

- 8.3.2 In making the decision to refuse under Ref: 303136, the Board considered the Inspector's Report. This noted that there is no dispute as to the excess of supply over demand for public and residential permit parking on both sides of Kenilworth Square West.
- 8.3.3 The Board's decision to refuse permission under Ref: 303136 was not the subject of any challenge.
- 8.3.4 The decision under Ref: 303136 was made under the Dublin City Development Plan 2016-2022. The current proposal for retention should be considered under the provisions of the Dublin City Development Plan 2022-2028 (this is a material change in circumstances), while the Architectural Heritage Protection Guidelines (2011) remain for consideration.

Development Plan and Guidelines

- 8.4 The Dublin City Development Plan 2022-2028 is the applicable statutory plan for the area. The zoning for the area remains the same – Z2 with the objective *to protect and/or improve the amenities of residential conservation areas*. The Protected status of 32, Kenilworth Square West remains the same in both plans.
- 8.4.1 It is clearly policy of the current Development Plan to foster behavioural change to support modal shift to more sustainable transport options (Policy SMT 1), and to manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity, and accessible parking requirements (Policy SMT 25). Appendix 5 Section 4.1 relates to On Street Parking. It states 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 or where there is a demand for public parking serving other uses in the area.
- It is also policy to prioritise the provision of electric vehicle infrastructure (Policy SMT 2).
- 8.4.2 It is policy to ensure that any development proposals for Protected Structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) (Policy BHA 2), and to protect structures

included on the RPS from any works that would negatively impact on their special character and appearance, and to protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers, and any other associated curtilage features (Policy BHA 2). It is also policy to protect the special interest and character of all Dublin's Conservation areas (Policy BHA 9).

- 8.4.3 The Architectural Heritage Protection Guidelines (2011) were issued under Section 28 and Section 52 of the Planning Act, and were in operation at the time of the previous Board decision. These state that proposals to remove or alter boundary features could adversely affect the character of the protected structure and the designed landscape around it. Widening an entrance or altering flanking walls or railings will alter the scale and visual, impact of the gate and piers. Relocating a gateway may destroy a carefully designed relationship between the entrance and the main building.

Precedent

- 8.5 The Planning Authority's decision states that the proposed development for retention would set an undesirable precedent. The Board, in the decision under Ref: 303136-18 did not refer to the development setting an undesirable precedent. In these circumstances, I consider that 'undesirable precedent' should not be included as a reason for refusal.

Grounds of Appeal

- 8.6 The grounds of appeal contend that there have been other decisions to grant permission in recent years for similar developments. There have also been refusals of permission, and each case must be considered on its own merits having regard to the particular circumstances pertaining.
- 8.6.1 It is contended that the development results in the loss of only 1 on-street parking space, and this cannot be considered too valuable an asset to lose. The on-street parking bay is continuous along the site frontage. I consider that the loss is at least one space in order to provide for satisfactory vision at the access on to the public road. The issue of On-Street Parking is addressed in the statutory Development Plan for the area, and refers to 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 or where there is a demand for public parking serving other uses in the area. While there were on-street parking spaces available along the public road on this side of the Square at the time of both inspections, it is clear that 50% of the properties on Kenilworth Square West are reliant on such parking, in addition to parking generated by other uses, including the use of the Square as a school sports facility.

On this issue I conclude that the development results in the loss of on-street parking which reduces the supply available to residents and others in the wider area, contrary to Appendix 5 of the current statutory Development Plan.

- 8.6.2 The appellant contends that the development is already carried out, and that refusal will not reinstate the historic fabric. While the development is in place, it is unauthorised as it was carried out without consent. In such circumstances, I consider that the fact that the development is completed is not a material consideration for the Board in relation to this appeal.
- 8.6.3 The appellant contends that consideration should be given to the provision of essentials of modern living in restored historic houses. While the provision of the EV chargers is clearly in line with Government policy, I consider that it does not provide sufficient justification of the retention of this development contrary to other provisions of the Development Plan relating to conservation and on-street parking.
- 8.6.4 Numbers 32 and the adjacent 31, are prominent detached Protected Structures located centrally on this side on the Square. The remaining houses on this side of the Square are predominantly a mixture of two bay semi-detached and terrace Victorian houses. No. 31 has a centrally located pedestrian access aligned with the centrally located front steps. The symmetry of the two Protected Structures is an important feature on Kenilworth Square West, and I consider that the development, as carried out, injures the symmetry of the structures, and the architectural character of both the streetscape and setting of these important Protected Structures.
- 8.6.5 The appellant contends that historic fabric is retained in a slightly altered state. The Conservation Officer's report informing the Planning Authority's decision contends that the unauthorised removal of part of the original front boundary wall / brick

piers and stone coping and alteration of the original iron gate has resulted in an unacceptable and irretrievable loss of significant historic fabric. In recommending refusal, the report states that the works have permanently altered the carefully designed relationship between the entrance and historic approach to the front of the Protected Structure steps, permanently altering the special architectural character, setting and presentation of the Protected Structure and the adjoining protected structures, particularly No.31. I consider that the development is contrary to section of the Architectural Heritage Protection Guidelines 2011, which states that proposals to remove or alter boundary features could adversely affect the character of the protected structure and the designed landscape around it, and that widening an entrance or altering flanking walls or railings will alter the scale and visual impact of the gate and gate piers. The Guidelines state that relocating a gateway may destroy a carefully designed relationship between the entrance and the main building.

Conclusion

- 8.7 The previous Board decision was made in April 2019. It was made under the Dublin City Development Plan 2016-2022. The current proposal is to be considered under the Dublin City Development Plan 2022-2028, and this constitutes a material change in circumstances. It was policy of the 2016-2022 Plan to retain on street parking as far as is practicable (Policy MT 14), and this was referenced in the second reason for refusal in the Board's decision for Ref: 303136-18. This policy is not specifically repeated in the 2022-2028 Plan, but under Appendix 5 Section 4.1 there is a presumption against the removal of on-street parking to provide vehicular access in predominantly residential areas. The policies of the two plans, insofar as they relate to on-street car parking, and interventions in boundary features of Protected Structures, seek to manage on-street car parking for various types of user, and protect the special interest and character of Residential Conservation Areas. The Architectural Heritage Protection Guidelines for Planning Authorities (2011) remain.
- 8.7.1 I consider that the general thrust of the Dublin City Development Plan 2016-2022 is continued into the current plan, insofar as it relates to on-street residential car parking, and the alteration to the boundaries of Protected Structures. I consider

that these provisions are reasonable. In these circumstances, I recommend that permission be refused.

9.0 AA Screening

- 9.1 Having considered the nature, scale and location of the development, I am satisfied that it can be eliminated for further assessment because it could not have any effect on a European site. The reason for this conclusion is having regard to the nature and small scale of the development, location in an established residential area, and the distance from and absence of connectivity to European sites.

10.0 Water Framework Directive

- 10.1. The subject site is located in an established residential area. No. 32, Kenilworth Square West is a Protected Structure. The proposed development relates to the retention of a widened gateway providing for vehicular access. No water deterioration concerns are raised in the appeal. I have assessed the development in the context of the objectives of the Water Framework Directive. Having regard to the nature, scale, and location of the development, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any surface and/or groundwater bodies either qualitatively or quantitatively.

11.0 Recommendation

- 11.1. I recommend that planning permission be refused.

12.0 Reasons

1. The proposed works, entailing intervention to the historic boundary treatment with a loss of historic fabric, materially and adversely affects the character and setting of the Protected Structure. In addition, the works seriously injure the architectural character of both the streetscape and the setting of a pair of Protected Structures (Nos. 31 and 32 Kenilworth Square West). The works therefore contravene the relevant provisions of the Dublin

City Development Plan 2022-2028 and are contrary to relevant sections of the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, and are therefore contrary to the proper planning and sustainable development of the area.

2. The development results in the loss of on-street parking, which reduces the supply available to residents and other users, contrary to Policy SMT 25 and Appendix 5, Section 4.1 of the Dublin City Development Plan 2022-2028 which seeks to retain and manage on-street car parking to serve the needs of the city. The development is therefore contrary to the proper planning and sustainable development of the 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.

Des Johnson
Planning Inspector

16th October 2025

Form 1
EIA Pre-Screening

An Coimisiún Pleanála Case Reference	323105-25		
Proposed Development Summary	Retention of widened gateway to provide for vehicular access and on-site car parking, and EV charging points at Protected Structure.		
Development Address	32, Kenilworth Square West, Rathgar, Dublin 6, D06 XP38.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		YES	Yes
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	No		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No		
Yes		

Inspector: _____

Date: _____