

An
Coimisiún
Pleanála

Inspector's Report

PL-500124-DS

Development

Demolition and construction works to a protected structure including demolition of extension and lean-to shed, removal of external shed and rear cast-iron stairs. The construction of extension, boundary wall and lean-to shed and internal works.

Location

20 Palmerston Park, Rathmines, Dublin 6, D06XP92.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB1359/25

Applicant(s)

Carmel Murphy & Colm Gilmore.

Type of Application

Permission.

Planning Authority Decision

Grant permission with conditions

Type of Appeal

Third Party

Appellant(s)

(1) James & Christina Hennessy;
William Bennett; Fergal Hardiman &
Margaret Dockery-Hardiman.

Observer(s)

Philip O'Reilly.

Date of Site Inspection

26/01/26.

Inspector

Anthony Abbott King

1.0 Site Location and Description

- 1.1. No. 20 Palmerston Park (RPS Ref: 6162) is located on the north side of the Street facing Palmerston Park. The streetscape on the northern side of Palmerston Park is characterised by pairs of semi-detached houses (mirrored period houses) – all protected structures.
- 1.2. The house is a substantial Victorian two-storey over raised basement (lower ground floor) 3-bay semi-detached property within a mature setting circa.1880. The historic boundary treatment to the front of the house is intact.
- 1.3. The end entrance bay of the front elevation (south) is located at the extremity of the facade. The entrance bay is significantly set-back from the main south elevation with a flight of external steps rises to the hall door located at upper ground floor level.
- 1.4. No.20 Palmerston Park 2-storey annex attached to the east gable of the entrance bay in the form of a raised conservatory. The house and extension are in poor condition.
- 1.5. The abutting house at no.19 Palmerston Park to the west would originally have been identical in form and architectural detail.
- 1.6. The enclosed railed crescent shaped public park 'Palmerston Park' forms the southern streetscape.
- 1.7. The adjoining semi-detached pair of houses to the east comprise nos. 21 & 22 Palmerston Park – protected structures.
- 1.8. The mews site to the rear (north) of no. 20 Palmerston Park is in separate ownership and accommodates a later twentieth-century mews dwelling (1980s) with access from Palmerston Lane.
- 1.9. The site area is given as 0.076 hectares.

2.0 Proposed Development

- 2.1. The applicant proposes the following demolition and construction works to the protected structure:

- 2.2. The development will consist of the demolition of the 20th century non-original two-storey side extension and single-storey lean-to shed, removal of external rear modern shed, and rear cast iron stairs to upper ground floor. The proposed works include the construction of a part single and part two-storey side and rear addition, containing a new entrance, living, and plant rooms at lower ground floor. Alterations to the existing structure at lower ground floor include the opening up of an internal non-original hallway partition wall, new stairs in the original location to the upper ground floor, and the blocking up of an internal rear window. At upper ground floor, alterations include a new opening in the entrance hallway and rear wall linking to the proposed kitchen, and the removal of a non-original partition in a room-linking door opening. At first floor level, the partial removal of two non-original partitions and enlargement of an existing partition opening. All existing windows to be retained and restored and non-original single glazing to be replaced with double glazing. Externally, the existing entrance gate to Palmerston Park is to be enlarged for the creation of a vehicular access to the front. To the rear, a boundary wall and lean-to shed are proposed and all associated hard and soft landscaping.
- 2.3. The application is accompanied *inter alia* by a structural engineering report, prepared by Niamh O'Reilly,(11/02/2025) and a conservation statement and architectural report (and as amended by further information) prepared by Ryan W. Kennihan Architects.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 8 condition.

3.1.1. Condition 5 (conservation) states:

The following conservation requirements of the Planning Authority shall be complied with;

- (a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.

- (b) Prior to the commencement of the development, the applicant shall submit for the written approval of the planning authority:
- (i) Conservation method statement for the repair / reconstruction of the hallway subfloor structure and preservation and repair of mosaic floor. The applicant shall engage the services of an experienced historic mosaic restorer.
 - (ii) Revised conservation method statement for original timber floorboards to omit sanding.
 - (iii) Detailed specification and methodology (to completed by a specialist historic iron forger / blacksmith) for the proposed work to the historic railings and stone plinth to accommodate a new vehicular gate shall be submitted. Details of the proposed automation and all fixtures / fittings shall be provided, that shall be to the minimum necessary so as to ensure that they would have no visual impact on the historic railings and repurposed railings.
- (c) During the course of development, the applicant shall submit for the written approval of the planning authority:
- (i) Site samples for the restoration of the entrance hall mosaic.
 - (ii) The Conservation Officer shall be given the opportunity to inspect existing brickwork, a raking sample, brick repair sample (if necessary), brickwork cleaning sample, a historically accurate pointing sample and stonework repair sample for written agreement. The applicant shall contact the CO directly to arrange a site inspection.
- (d) The proposed development shall be carried out in accordance with the following:
- (i) All works to the structure shall be carried out in accordance to best conservation practice and the Architectural Heritage Protection Guidelines for Planning authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. 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.

- (ii) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- (iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- (iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at 20 Palmerston Park and to ensure that the proposed works are carried out in accordance with best conservation practice.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

The applicant was asked to submit further information on 16/04/25 principally in order for the conservation officer to adequately evaluate the specifics of the proposed conservation project, including conservation strategy, methodologies & specifications.

The further information response was received on the 10/09/25.

3.2.2. Other Technical Reports

- The conservation officer report, dated 07/04/25, required the submission of the following further information in regard to:
 - Timber decay;
 - Tiled mosaic in entrance hall;
 - Round-arched door opening to entrance hall;
 - Side extension;
 - Rear extension, external cast iron stairs & timber trellis to party wall;
 - Alterations to front boundary and in-curtilage car parking;
 - Rear boundary wall.

The conservation report, dated 25/09/25, notes that not all the further information items requested were included in the further information response (10/09/25). The conservation officer objects to in-curtilage parking (please see Section 8.125 below). The report provides a suite of conditions.

- The Roads Traffic Division of the planning authority do not object to the proposed development subject to condition. I note that the width of the vehicular entrance was reduced by further information response to a maximum width of 3m following a request by the Division.
- The Drainage Division of the planning authority do not object to the proposal subject to condition.

3.3. Prescribed Bodies

No prescribed body response within the timeframe.

3.4. Third Party Observations

There are 8 number of third party submissions on file, including detailed submissions from the appellant(s), which are summarised below:

- The refurbishment of no. 20 Palmerston Park is welcomed. However, the proposed development would have an adverse impact on the architectural heritage integrity of the house and the adjoining houses in the streetscape.
- The scale, height, design and location (close to property boundary with no. 21) of the proposed extension will have a serious adverse impact on the residential amenities, in terms of loss of privacy and light, of adjoining properties in particular the adjoining properties at no. 19 & 21 Palmerston Park to the west and east respectively.
- The new extension would be larger in scale and bulk than the existing small extension on the eastern side of the house, comprising a ground floor entrance and first floor glazed conservatory, resulting *inter alia* in overbearing impacts.
- There is no precedent for rear two-storey extension on this section of Palmerston Park (nos. 13-22), other than the pre-1963 extension to the rear of no.15, or for the provision of an accessible first floor roof terrace.

- The elevated terrace is inappropriate, out of character with other houses in Palmerston Park and will cause overlooking of adjoining properties to the west and north on Palmerston Lane.
- A number of the submissions ask for clarity on the terminology of floor level designations. The designations “lower ground floor”, “upper ground floor “and “first floor” do not accurately reflect the existing structure.

4.0 Planning History

4.1. There is no recent relevant planning history on site (within the timeframe of the current development plan). However there is a complex legacy planning history for the refurbishment and extension of the house and mews dwelling:

- Under reg. ref. 3105/16 planning permission was granted (07/06/17) by an Bord Pleanála (PL29S.247170) for the refurbishment, extension and internal alteration of the main house at no. 20 Palmerston Park and the demolition of the two-storey mews at Palmerston Lane.
- Under reg. ref. 5347/08 a split decision issued for the demolition of the existing two-storey side addition and the construction of a new side and rear addition to no. 20 Palmerston Park.
- Under reg. ref. 6121/07 / Ref: PL29S.227735 a split decision issued for the extension and refurbishment of no. 20 Palmerston Park and the demolition of the two-storey mews at Palmerston Lane.

5.0 Policy Context

5.1. Development Plan

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 is Z2 (Residential Conservation) (Map H): *To protect and/or improve the amenities of residential conservation areas.*

- **Residential Conservation Areas**
Policy BHA9, Chapter 11 (Archaeology & Built Heritage), Dublin City Development Plan 2022-2028 *inter alia* states:

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.

Enhancement opportunities may include:

- *Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- *Re-instatement of missing architectural detail or important features.*
- *Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns*
- *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- *The repair and retention of shop and pub fronts of architectural interest.*
- *Retention of buildings and features that contribute to the overall character and integrity of the conservation area.*
- *The return of buildings to residential use.*

- **Protected Structures**

Policy BHA2, Chapter 11 states in the matter of the development of protected structures:

That development will conserve and enhance protected structures and their curtilage and will:

(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.

(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.

(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is

appropriate in terms of the proposed scale, mass, height, density, layout and materials.

(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.

(d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.

(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(g) Ensure historic landscapes, gardens, and trees (in good condition) associated with protected structures are protected from inappropriate development.

(h) Have regard to ecological considerations for example, protection of species such as bats.

Policy BAH11 is relevant and states: *Rehabilitation and Reuse of Existing Older Buildings*

- 1. (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.*
- 2. (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.*
- 3. (c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.*

- **Residential Extensions**

Chapter 15 (Development Standards), Section 15.11 is relevant and provides development management guidance and standards *inter alia* for residential extensions as detailed in Appendix 18.

- Appendix 18, (Ancillary Residential Accommodation) Section 1 (Residential Extensions) is relevant. Section 1.1 (General Design Principles) *inter alia* states:

The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.

- **Sustainable Mobility and Transport**

Chapter 8 (Sustainable Movement and Transport) Section 8.5.7 (car parking) is relevant, which provides for strong car parking policy implementation in Dublin city, and Policy Objective SMT25 stating in the matter of on-street parking the following:

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, and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements.

- **Vehicular Entrances and Front Garden Parking**

Appendix 5 (Transport and Mobility: Technical Requirements) Section 4.0 (Car Parking Standards) of the Dublin City Development Plan 2022-2028 is relevant., including the following provisions:

Section 4.3 (Parking in Front Gardens), which *inter alia* states:

Panning Permission is required for the alteration of a front garden in order to provide car parking by creating a new access, or by widening of an existing access. 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 car parking and there is a strong demand for such parking.

Section 4.3.1 (Dimensions & Surfacing) is relevant and *inter alia* states:
Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines.

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates. Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4 metres.

Detailed requirements for parking in the curtilage of Protected Structures and in Architectural Conservation and Conservation Areas are set out in Appendix 5, Section 4.3.7.

Where site conditions exist which can accommodate car parking provision without significant loss of visual amenity and/or historic fabric, proposals for limited off-street parking will be considered which meet a list of performance criteria. The following *inter alia* criteria are relevant to the assessment of the development proposal:

- *A high standard of design and layout will be expected to integrate the proposal into the sensitive context, the use of natural materials that would complement the special character of the Protected Structure i.e. gravels, granite etc.;*
- *The retention of most of the original boundary wall and/or railings and plinth wall and the re-use of the removed railings for new access gates will be sought;*
- *Works which would involve the loss of mature and specimen trees (those in good condition) which contribute to the character of a protected structure or conservation area, both within the private and public domain, will be discouraged;*
- *Every reasonable effort is made to protect the integrity of the protected structure and/or conservation area;*

- *Access to and egress from the proposed parking space will not give rise to a traffic hazard;*
- *The remaining soft landscaped area to the front of the structures should generally be in excess of half of the total area of the front garden space, exclusive of car parking area, footpaths and hard surfacing. SuDs features should be incorporated as appropriate (see also Appendix 12);*
- *Car parking shall be designed so that it is set-back from the house and front boundary wall to avoid excessive impact on the protected structure;*
- *Car parking bays shall be no greater than 5 m x 3 m metres wide;*
- *The proposed vehicular entrance should, where possible, be combined with the existing pedestrian entrance so as to form an entrance no greater than 2.6 m and this combined entrance should be no greater than half the total width of the garden at the road boundary.....;*
- *Where cast or wrought iron or other historic railings exist and historic brick and stone boundary walls, which contribute to the special character of the structure, every effort will be made to preserve and to maintain the maximum amount of original form and construction through minimum intervention. Any original existing gates, piers and cast iron or other railings that require alterations shall be reused and integrated with all new parking proposal.....*
- **Climate Action**

Policy CA6, Chapter 3 (climate Action) is relevant and states:

Retrofitting and Reuse of Existing Buildings

To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible. See Section 15.7.1 Re-use of Existing Buildings in Chapter 15 Development Standards.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.

6.0 EIA Screening

6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal prepared by Armstrong Planning on behalf of the appellant(s) is summarised below:

- Notwithstanding the neglect of the house by its owners, no. 20 Palmerston Park is a fine example of a high Victorian house with 20th century additions. It is noted the current owners are presumed not to be the owners of the house over the prolonged period of neglect.
- It is claimed a grant of planning permission would set a negative precedent, where neglect is used as a rationale for development, for the subject protected structure and the maintenance and repair of protected structures in the vicinity and generally.
- It is claimed that the current proposed development (2025) *inter alia* contravenes Policy BHA2 of the development plan, is inconsistent with the Architectural Heritage Protection Guidelines for Planning Authorities and should be refused permission
- The appellant(s) claim that the only circumstance that has changed since the refusal of planning permission (DCC Ref: 6121/07 / ABP Ref: PL29S.227735) for a large two-storey extension to the side and rear of the protected structure at no. 20 Palmerston Park, by reason of the adverse impact of the proposal on the structure and the conservation area, is the extent by which the appeal property has been allowed to deteriorate due to neglect by the property owner.
- The development under appeal covers far more of the rear elevation and involves a greater destruction of the historic fabric than the previous refused

proposal in 2007 albeit that the earlier refused scheme extended deeper into the back garden (ABP Ref: PL29S.227735).

- The applicant does not explain how long the applicant has been responsible for the care of the protected structure. What repair and maintenance works have been carried out by the current owners ? The appellant cites Section 58 of the Planning and Development Act in the matter of the duties of owners of protected buildings.
- The appellant claims that the proposed development will result in a significant negative impact on the architectural value of the protected structure, of regional significance, and the receiving environment in the area in contravention of development plan policies for the reuse and protection of historic buildings.
- The demolition of the existing early 20th Century extension to no. 20 Palmerston Park will undermine the integrity of the protected structure. The proposal, without rationale for why it cannot be repaired, will result in the loss of an irreplaceable part of the unique history and historic record of the protected structure inconsistent with Section 7.8 (in specific Section 7.8.1 and Section 7.8.2) of the Architectural Heritage Planning Guidelines for Planning Authorities (2011) and Policy BHA1 (Rehabilitation and Reuse of Existing Older Buildings) and Policy CA6 (Retrofitting and Reuse of Existing Buildings) of the Dublin City Development Plan 2022-2028.
- Section 15.7.1 of the development plan requires the applicant to submit a demolition justification report to set out the rationale for demolition having regard to the 'embodied carbon' of existing structures and demonstrate that options other than demolition are not possible. It is claimed that the applicant has not provided a demolition rationale in the submitted documentation.
- The new extension is excessive in scale, will require the removal of historic fabric and features, alteration of the original plan form and obstruction the rear façade inconsistent with Section 6.8 and Section 13.4.4 of the Architectural Heritage Protection Guidelines for Planning Authorities and contrary to Policy BHA2(f) and Policy BHA2(c) of the development plan.

- The proposed extension is of significant concern given that few of the protected structures on this section of the road (between nos. 13 & 22) have been extended to the rear and given that none of the new extensions are greater than single storey in height and none include a terrace element.
- It is national statutory planning policy to limit the construction of extensions to protected structures as additions can undermine the special interest of protected structures therefore undermining the reason for protection in the first instance.
- It is claimed that the applicant has not justified the extension of the house for the purposes of modern living and that the principle of the proposed development is contrary to the Architectural Heritage Protection Guidelines for Planning Authorities.
- The proposed removal of the front boundary features, including plinth stones, wrought iron railings and the wrought iron pedestrian gate is contrary to Policy BHA2(f) of the development plan.
- Furthermore, the development will result in significant negative impacts, in terms of overlooking, loss of privacy and visual amenity, overbearance, noise, overshadowing and loss of light, on the existing residential amenity of neighbouring properties by reason of excessive scale, bulk, proximity to boundaries and inclusion of large first floor windows and a first floor terrace to the proposed extension.
- The applicant highlights that the existing house has a substantial truncated (mews site is in separate ownership) rear garden (225 sqm) and that additional amenity space in the form of a first-floor terrace is not justified (18 sqm) approximately 3.9m from the shared property boundary with no.19 Palmerston Park.
- The terrace will be accessible by west facing floor to ceiling glass doors 8.8m from the boundary.
- It is claimed that the terrace and associated access stairs from the garden is inconsistent with the protection of residential amenities provided for in the

extension of existing houses in Appendix 18 of the Dublin City Development Plan 2022-2028.

- A review of the online planning register indicates that first-floor terraces are not usually permitted in the area. The appeal statement refers the Commission to Condition 5 of a planning permission granted for the extension of no. 20 Temple Gardens (DCC Re. Ref. WEB1269/25).
- In addition, large windows serving the principal habitable space (the proposed kitchen) are located at first floor level close to the boundary with no. 21 Palmerston Park. It is claimed that the window openings would overlook the private rear garden of no. 21 Palmerston Park.
- The ground floor extension is 1.1m from the boundary wall with no. 21 Palmerston Park at ground floor level, as detailed in the Planners Report. However, the appellant highlights the extension at first floor level is only 900mm from the shared property boundary.
- The applicant observes that the first floor of the existing extension extends 0.5m from the rear façade at present where the proposed two-storey extension will extend approximately 5.7m. The proposed extension will be very significantly larger, closer to the boundary and will extend much further away from the rear facades of the house and adjoining houses.
- The applicant questions the planners report, which seems to suggest that there is little difference between the existing extension in terms of bulk, scale and proximity to boundaries and the proposed extension. It is claimed that the new extension would be overbearing and would result in a loss of visual amenity.
- It is claimed that the proposed two-storey, pitched roof extension is large in scale and footprint and will be visible from the public street and neighbouring properties resulting in a negative visual impact for residents.
- The planning authority has assessed that the proposed extension will result in a diminution in visual amenity on the site, as per the conservation officers report.

- Finally, the applicant claims that there is no assessment of loss of natural light to the adjoining protected structure / overshadowing impacts, as no sunlight and daylight analysis is provided by the application.

7.2. Applicant Response in the case of a 3rd Party Appeal

The applicant response is invalid, as it was received outside the submission timeframe.

7.3. Planning Authority Response

The planning authority request that the Commission uphold their decision. A condition requiring the payment of a Section 48 development contribution is requested.

7.4. Observations

The one observation on this appeal is summarised below:

- The observer fully supports the appellants. It is claimed that the application represents a seriously destructive proposal that would have a detrimental impact on the protected structure, its setting and the wider area.
- No. 20 Palmerston Park is a significantly important nineteenth-century building of significant architectural character and importance and one of the finest examples of its type in Dublin. It is claimed the existing structure form and layout should be left unaltered.
- The proposal would result in the adverse alteration of the building and its setting. It would result in the loss of historical content.
- The existing property is substantial and the spatial requirements of modern living can be accommodated within the existing built envelope without the necessity to construct contemporary additions.
- The observer notes that part of the development proposal is for off-street in-curtilage car parking. It is claimed that there would be a loss of on-street car parking for the benefit of the greater community.
- It is claimed that the provision of off-street car parking would be inconsistent with the refusal of hundreds of similar proposals within the post codes of Dublin

4,6 & 8 and with the objectives and policies of the development plan, which states that there is a presumption against off-street car parking;

- The observer cites no.18 Landsdowne Road with reference to the possibility of a legal challenge in the matter of a significant contradiction in terms of the principles of proper planning and development, which the proposal constitutes.
- The decision of the planning authority significantly contradicts many of the policies and objectives of the current development plan and cannot be considered being in compliance with the principles of proper planning and development.

8.0 Assessment

8.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant planning policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning / Principle of Development;
- Impact on Protected Structure and its setting;
- The principle of in-curtilage car parking;
- Impact on adjoining properties;
- Impact on the Residential Conservation area;
- Other Matters.

Zoning

- 8.2. The proposed development is located in an area zoned Z2 (Residential Conservation) in the Dublin City Development Plan 2022-2028, which seeks *to protect and/or improve the amenities of residential conservation areas*.
- 8.3. The appellant *inter alia* proposes to demolish an existing two-storey side and single-storey lean-to rear extension and to construct a new two-storey extension, to carry out internal and external alterations and to create a new vehicular entrance.

8.4. I consider that the proposed development is acceptable in principle subject to satisfying the overall policies and objectives of the Dublin City Development Plan 2022-2028, including the policy framework regulating works to protected structures and their setting within residential conservation areas.

Impact on Protected Structure - House and Setting

- 8.5. The appellant(s) claim that the proposed development will result in a significant negative impact on the architectural value of the protected structure, located at no. 20 Palmerston Park, and the receiving environment in contravention of development plan policies *inter alia* for the reuse and protection of historic buildings.
- 8.6. Policy BHA2 (development of a protected structure) of the Dublin City Development Plan 2022-2028 requires that development will conserve and enhance protected structures and their curtilage and will have regard to a number of listed criteria including any works that would negatively impact their special character and appearance.
- 8.7. Furthermore, Policy BHA2 requires that development works will be aligned with best conservation practice, as advised by a suitably qualified person with expertise in architectural conservation, and any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed.
- 8.8. Finally, Policy BHA2 *inter alia* provides that the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials are respected and that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.
- 8.9. I interrogate these matters below with reference to the submitted conservation documentation and the revised augmented documentation submitted in response to the planning authority's further information request issued to the applicant principally on conservation grounds.
- 8.10. I would concur with the conservation officer that a project of this scale and complexity need meticulous planning and guidance so that works would align with the conservation principles of minimum intervention and would not result in the potential removal of sound historic fabric or over-restoration.

8.11. *The submitted conservation documentation.*

Section 15.15.2.3 (Protected Structures) of the Dublin City Development Plan 2022-2028 *inter alia* requires, to assist in the assessment of proposals to protected structures, that all planning applications for development/works to protected structures must provide the appropriate level of documentation, including an Architectural Heritage Impact Assessment.

8.12. I consider the submitted conservation report, and as augmented by way of further information response (10/09/25), is comprehensive and provides sufficient information in combination with the submitted drawings to make an informed decision on the impact of the proposal on the architectural character, special interest(s) and setting of the protected structure consistent with Policy Policy BHA2(c) and Section 15.15.2.3 (Protected Structures) of the Dublin City Development Plan 2022-2028.

8.13. Finally, I note that the submitted Conservation Statement and Architectural Report, updated September 2025, following the further information request, prepared by Ryan W. Kennihan Architects, clarifies that the principal objective is to modify and extend the house for contemporary life while conserving its historic significance.

8.14. I consider that the use of the protected structure as a single dwelling house is acceptable in principle consistent with Policy BHA2, which *inter alia* ensures that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

8.15. *Protected structure condition and legacy of neglect*

The conservation report notes that no. 20 Palmerston Park has been unoccupied and uncared for many years (20 years is cited in the submitted documentation and the Report notes that the last residents lived in the lower ground floor and departed circa. 2007) resulting in the historic character of the house and its period features being in a dilapidated state, including the manifestation of dry rot, growth of black mould and the visible ponding of water internally.

8.16. The conservation officer highlights the 'ongoing neglect' of the protected structure by its various owners over a prolonged period. The conservation officer states that structural fabric and decorative features within have become damaged principally due

to water ingress. The house would require significant restoration to make the house habitable.

- 8.17. The applicant states that the planning authority and An Bord Pleanála refused permission for a large two-storey extension to the side and rear of the protected structure at no. 20 Palmerston Park. It is claimed that the current proposal would have an equally adverse impact on the protected structure.
- 8.18. There have been a series of previous planning applications on site, including in 2017 a grant of permission for a part two-storey / part single-storey side and rear extension (ABP- PL29S.247170). The previous applications were assessed under the provisions of a different development plan. I note the planning history on site.
- 8.19. In the interim, the protected structure has continued to remain neglected and in poor condition. The conservation officer states that it is imperative that appropriate and timely conservation repairs are carried out to halt further deterioration.
- 8.20. The proposed development will be assessed on its merits. I concur with the conservation officer that appropriate and timely conservation repairs should be expedited.
- 8.21. *Conservation report and accompanying documentation*
- The conservation report photographically documents (accompanied by 1:20 data sheets submitted by further information response – DRG. 300-333) the building condition of the external envelope of the house and the interior spaces, which clearly require refurbishment, internal repair and restoration.
- 8.22. The accompanying (Engineer's Report) application documentation (Gordan Knaggs & Associates Timber Inspection Report submitted by further information response dated 10/07/25) *inter alia* documents the water ingress into the building (both from roof and ground levels) and highlights an extensive case of dry rot within the building, which as stated by the conservation officer has damaged internal features and fittings and is of serious concern.
- 8.23. The conservation report states that all services including electronics, heating and plumbing require upgrading and that the house is inadequately insulated.

- 8.24. I note that the construction of non-original partitions over time presumably to accommodate multiple unit occupancy have damaged internal features including decorative cornice work in the main reception spaces and hall.
- 8.25. I note that the staircase has been the subject of extensive alteration and that the bottom flight to the lower ground floor has been removed.
- 8.26. The original fireplaces have been removed and decorative plasterwork has been damaged over time (Richview Resident's Association – 21 Temple Gardens, Rathmines – note that the fireplaces have been removed for safe keeping).
- 8.27. However, the majority of the interior decorative features and fittings including the internal joinery *inter alia* doors and shutter boxes remain in situ.
- 8.28. I note that the third party submissions on the planning file objecting to the demolition of the existing extension and the construction of a new extension welcome the refurbishment of no. 20 Palmerston Park in principle.
- 8.29. Finally, I note the conservation officer raises significant concerns in the matter of the demolition of the existing side annexe, the incorporation of a first floor terrace to the rear extension, the removal of the entrance hall mosaic and the alteration of the boundary treatment to the front of the house to facilitate in-curtilage car parking.
- 8.30. The planning authority by further information addressed the concerns of the conservation officer to the applicant. The conservation officer notes that not all the further information items requested were included in the further information response.
- 8.31. The conservation officer in concluding the assessment of further information response reiterates a preference for the retention of the existing two-storey conservatory annex notwithstanding its current physical condition and the retention of extant boundary treatment.
- 8.32. In conclusion, repair and maintenance works to the protected structure to prevent further deterioration of the historic fabric are urgently required. I conclude that the refurbishment, internal repair and restoration of the protected structure and its setting would represent a significant planning gain.
- 8.33. However, the concerns of the conservation officer are noted, as are the suite of conditions attached to the conservation report dated 25/09/25. I interrogate the substantive proposed development works to the protected structure below.

8.34. *Demolition works*

The applicant proposes to demolish the existing conservatory extension, which is in poor condition. The conservation report states that the extension would appear to have been built in the early twentieth-century given the methodology and material elements of construction.

- 8.35. The conservatory is built off a number of steel beams and concrete floor supports. I note that the concrete floor is partly supported by the existing eastern shared property boundary wall with no. 21 Palmerston Park.
- 8.36. The appellant claims that the demolition of the existing early 20th Century extension without rationale for why it cannot be repaired will undermine the integrity of the protected structure.
- 8.37. It is claimed the loss of the existing extension will result in an irreplaceable part of the unique history and historic record of the protected structure being lost inconsistent with the architectural heritage guidelines and development plan policy on reuse and retrofit.
- 8.38. The conservation officer requested revised drawings by way of further information to show the retention and repair of the side extension in lieu of demolition.
- 8.39. The further information request did not address this matter.
- 8.40. The conservation report states that the conservatory addition is poorly built and is not of 'the same order of firmness of construction' as the main house.
- 8.41. I note the conservatory internally has been converted to a kitchen bathroom at an earlier date to accommodate multiple occupancy use within the house and that the lower ground floor is in exceptionally poor condition.
- 8.42. I note Policy BHA1 (Rehabilitation and Reuse of Existing Older Buildings) and Policy CA6 (Retrofitting and Reuse of Existing Buildings) of the Dublin City Development Plan 2022-2028.
- 8.43. The appellant claims that the applicant did not submit a demolition justification report to set out the rationale for demolition having regard to the 'embodied carbon' of existing structures and to demonstrate that options other than demolition are not possible, as provided for by Section 15.7.1 of the Dublin City Development plan 2022-2028.

- 8.44. The letter of application states that the applicants are investing in the restoration and revival of the existing house to ensure its survival into the future. I consider that the demolition element of the proposal must be balanced with the restoration of the substantive structure, which would be retained on site.
- 8.45. I note the existing lower ground floor granite and brick wall of the side extension fronting Palmerston Park would be retained.
- 8.46. Section 15.7.1 of the development plan principally requires the reuse and repurpose of existing buildings on site in redevelopment. The applicant proposes to demolish the side annex and lean-to shed comprising a floor area of 70 sqm. The main floor area of the existing building on site would be retained comprises 335 sqm.
- 8.47. I consider that the applicant has satisfied the substantive requirement of Section 15.7.1 of the Dublin City Development Plan 2022-2028 by proposing to reuse and repurpose the existing main house on site for use as a single family dwelling house. I note that Section 15.7.1 relates to the building rather than addition / extension per se.
- 8.48. I note Section 7.8.1 and Section 7.8.2 of the Architectural Heritage Protection Guidelines for Planning Authorities. I concur with the appellant that the existing 20th century annex is an important accretion to the original structure and that it is part of the historical built narrative of the building.
- 8.49. However, I do not consider that the 20th century extension is integral to the protected structure. The streetscape is composed of semi-detached houses that in form and design are mirrored pairs. The annex structure to be demolished is clearly separate and distinct from the main house.
- 8.50. *Historical record*
- I conclude that the applicant has provided a justification for the demolition of the existing 20th century extension given the poor condition of the annex structure, its specialised nature as a conservatory and the non-original status of the extant fabric.
- 8.51. I note all demolition will be carried out with the involvement of a structural engineer with conservation experience.
- 8.52. Finally, I agree that the 20th century extension should form part of a historical record of the building. I consider that this matter has been discharged, as documented by the submitted conservation report and as amended by further information.

8.53. *New extension scale, form, interconnection and material finish*

It is proposed to construct a large two-storey and single storey rear extension and a two-storey side extension (145 sqm). The extension would be contemporary in design distinct from the existing historic structure.

- 8.54. The applicant claims the new extension *inter alia* will require the removal of historic fabric and features, result in the alteration of the original plan form and will obstruct the rear façade of the protected structure.
- 8.55. The conservation officer review of the rear extension noted that it is large in terms of height, scale and massing. The planning authority by way of further information requested a revised hip roof profile or flat roof to reduce bulk.
- 8.56. The extension was subsequently reduced in height by 350mm and the hipped roof was pulled back from the boundary line by 360mm by further information response.
- 8.57. The rear extension would extend approximately 12m (12245mm) along the rear garden façade (north elevation) at lower ground floor level and would extend approximately 8m (8090mm) along the upper ground floor rear façade.
- 8.58. I note that the conservation report states that the extension is reversible.
- 8.59. The two-storey extension would have a dark slate pitched roof. The roof of the side extension hips to the east and west referencing the existing pitch roof profile of the original house(s).
- 8.60. The roof of the single-storey section of the extension would form an elevated first-floor terrace located at upper ground floor level.
- 8.61. *Side extension*
- The conservation officer noted that the existing side extension is visually more appealing than the design of the proposed new extension, which reads 'as somewhat bulky to the front'.
- 8.62. The further information response in part addresses this matter by modifying the roof profile and by re-proportioning the side elevation front fenestration.
- 8.63. The side extension would be setback from the south façade of the house behind the recessed entrance bay (concealed behind the existing lower ground floor granite and

brick wall of the demolished side extension, which is to be retained. The side extension would exhibit a contemporary upper ground floor to Palmerston Park.

- 8.64. The set back of the side extension from the shared property boundary (minimum 890mm widening to 1100mm at lower ground floor level) would accommodate a covered side passage providing access from the front of the house to the rear garden.
- 8.65. The extension would accommodate a kitchen and dining room at upper ground floor level and a living room, entrance hall and ancillary accommodation at lower ground floor level. The extension would interconnect with the existing protected structure at lower ground floor and upper ground floor levels through repurposed window and other openings.
- 8.66. The side element of the extension would have a smaller footprint than the existing annex at lower ground floor level. However, the massing of the upper ground floor would be greater in footprint and volume than the existing conservatory structure on site.
- 8.67. The conservation report lists a number of developments granted planning permission in the vicinity for contemporary addition, including period houses that are protected structures. I note the examples cited by the applicant.

Impact on the protected structure of the proposed rear and side extension

- 8.68. The appellant cites Section 6.8.1 of the Architectural Heritage Protection Guidelines for Planning Authorities, which *inter alia* states that it is necessary to permit appropriate new extensions in order to make protected structures fit for modern living. However, the Guidelines also advise that in instances where the existing exterior appearance of a structure is of special interest and the interior is of sufficient size it may be possible to incorporate new functions or services within the existing envelope of the structure.
- 8.69. I note the national guidance provided in the matter of the extension of protected structures. However, this planning assessment relates to the proposed development under appeal rather than to an alternative development proposal incorporating all new functions and services within the envelope of the protected structure.
- 8.70. I consider that the extension of no. 20 Palmerston Park to provide for modern living is acceptable in principle conditional on satisfying the design requirements for the

extension of protected structures provided for in the development plan and the architectural guidelines.

8.71. *Legibility of the rear facade*

Section 6.8.2 of the Architectural Heritage Protection Guidelines for Planning Authorities *inter alia* provides that extension of a protected structure should ensure that important features are not obscured, damaged or destroyed. Furthermore principal elevations of a protected structure in general should not be adversely affected by new extensions.

8.72. The rear and side two-storey extension would encase the north-eastern corner of the house at lower and upper ground floor level and would screen in part the lower ground floor and the upper ground floor rear window openings.

8.73. The screened window openings at lower and upper ground floor level would be blinded or become internal openings.

8.74. The two windows at ground floor level would be removed. One repurposed as an internal opening to the Den (living room).

8.75. The eastern rear elevation upper ground floor window opening would be enlarged and repurposed to form an opening between the rear extension and the protected structure to give access to the kitchen.

8.76. The side and rear extension in combination are of significant scale. However, the extension would be subordinate in height to the main house and would not impinge upon the first floor of the protected structure, which would remain unobstructed.

8.77. *Terrace*

The appellant states that the houses nos.13 & 22 Palmerston Road have either not been extended to date or have single-storey rear extensions. The appellant notes that none of the extended houses include a rear terrace.

8.78. The conservation officer in the initial conservation report assessing the application documentation would not support the first floor external terrace and associated

boundary trellis due to the impact that it would have on the legibility of the protected structure.

- 8.79. The applicant response to further information omitted the trellis and substituted evergreen pleached trees along the property boundary (DRG. 101-103). The applicant made no substantive change to the terrace.
- 8.80. A dedicated external partly enclosed stairway from the first floor terrace would give access to the back garden.
- 8.81. Furthermore, the existing cast iron stairs to the rear of the house would be retained / and would be relocated to abut the west elevation of the single-storey extension (DRG. 101-103).
- 8.82. The applicant by way of further information response clarifies that the stairs is retained as a decorative feature only (use of the stairs is not viable due to its poor condition), further to the conservation officer request that the applicant explore the incorporation of the stairs into the revised design and retention on site.
- 8.83. I concur with the conservation officer that the proposed terrace would have an adverse negative impact on the legibility of the rear (garden) façade.
- 8.84. Furthermore, the appellant notes that the proposed terrace located approximately 4m from the shared property boundary with no.19 Palmerston Park will be accessible by west facing floor to ceiling glass doors 8.8m from the shared boundary.
- 8.85. The appellant highlights that the terrace will project 6m from the rear elevation / building line facilitating views into the rear windows of no.19 Palmerston Park.
- 8.86. It is claimed the railed terrace (18 sqm) by reason of its location, orientation and elevation at first floor level must result in severe overlooking and loss of privacy to the rear of the abutting semi-detached house at no.19 Palmerston Park.
- 8.87. Notwithstanding the screening proposed by the applicant on the western boundary (evergreen pleached trees in lieu of the omitted trellis by further information response), I consider that the terrace located approximately 4m from the shared property boundary with the abutting semi-detached house and associated floor to ceiling glass

doors would facilitate direct overlooking and general disturbance of the existing residential amenities of no.19 Palmerston Road.

- 8.88. The omission of the terrace associated dedicated external stairway and the modification of the fenestration (see impact on no. 19 Palmerston Park below) and the substitution of a non-accessible flat roof to the single storey element of the rear extension can be dealt with by way of condition if a positive recommendation is recorded.
- 8.89. I note that the rear extension at upper ground floor level would be significantly set back from the boundary with no.19 Palmerston Park (8117mm). It would conceal solely the eastern bay on the garden (north) elevation at upper ground floor level leaving the staircase bay (middle bay) and western (library) bay unobstructed.
- 8.90. I consider on balance that the proposed extension subject to condition would not adversely impact the rear façade of the house (one of the principle elevations of the protected structure) given its subordinate height and limited extension across the garden (north) facade at upper ground floor level and would be consistent with Section 6.8.2 of the Architectural Heritage Protection Guidelines for Planning Authorities.
- 8.91. *Interconnection and alteration of the original plan form*
- Section 11.2.1 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) *inter alia* states that the plan form of a building is one of its most important characteristics and where the original plan form remains intact it should be identified and respected.
- 8.92. I acknowledge that the original plan form of the house would be altered both by the extension of the plan form at lower ground floor and upper ground floor levels, via new openings between the protected structure and the extension, and by reason of reconfiguration of the internal floor plan to contemporary requirements, for example, the insertion of ancillary spaces at upper ground floor level to accommodate guest WC and cloaks.
- 8.93. In addition to the repurpose of the eastern rear elevation upper ground floor window as an opening, an additional opening would be provided in the side wall of the

entrance hallway (in the location of an existing 20th century storage press and double leaf doors) to the proposed dining room extension.

8.94. A further opening would be made in the rear wall of the entrance hallway linking the entrance hall to the proposed kitchen extension via the repurposed window opening.

8.95. Section 11.2.3 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) *inter alia* requires where possible alterations to plan form should not change the interrelationship or the proportions of prominent spaces such as entrances, staircases or principal rooms.

8.96. In the matter of the entrance hall to the new dining room link, the conservation officer requested further information in regard to the existing 'round-arched door opening to entrance hall' in the location of the opening. The conservation officer expressed concern at the removal of the decorative timber over-door cornice, which should be retained.

8.97. The conservation officer report, dated the 25/09/25, notes the retention of the decorative over door cornice by further information response. I consider that the opening to the extension from the entrance hall is acceptable in principle and in detail.

8.98. I consider that the original floor plan would remain legible. The principal rooms at upper ground floor level would retain their historic use, for example, the front drawing room and rear library would remain primary reception spaces.

8.99. Conclusion side and rear extension

I acknowledge that the proposed side and rear extension would in combination be a substantive addition to the existing house.

8.100. However, I consider that the proposed extension in terms of position, scale, height and massing would not have a significant adverse impact on the protected structure consistent with Section 6.8 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Policy BHA2(d) of the Dublin City Development Plan 2022-2028 conditional on amendment of the rear extension design to omit the upper ground floor terrace and associated external access stairs.

8.101. Finally, I note Section 7.8.3 of the Architectural Heritage Protection Guidelines for Planning Authorities, which advises that new alterations and additions to protected

structures will in turn become part of the structure's history. Therefore, it is important that new additions make a positive contribution.

8.102. I consider that the proposed extension in terms of design and material finish would make a positive contribution to the receiving environment (please see section assessing impact on the conservation area below for elaboration).

8.103. I conclude that the extension would be acceptable subject to condition given that it would in part utilise the footprint of an existing two-storey extension to the side of the house, it would be subordinate in height to the main house, would on balance make a positive contribution in terms of design and construction and would ultimately be reversible.

8.104. *Fenestration repair and replacement*

All existing windows are to be retained and restored and non-original single glazing is to be replaced with double glazing. The applicant will also replace inappropriate UPVC fenestration with appropriate timber windows.

8.105. The UPVC patio door at lower ground floor level rear elevation would be removed.

8.106. I note that a number of window opening in the rear elevation are to be blocked or repurposed as internal openings. I also note that fenestration removed is to be stored on site.

8.107. I consider that the proposal for fenestration is acceptable in principle.

8.108. *Internal alterations to the historic fabric*

The internal alterations include new services, removal of non-original partitions, the provision of new openings between the existing structure and the new extension, repair of decorative features and joinery, including plaster cornices, and the reconfiguration of internal spaces.

8.109. I note that the majority of the original internal features and fittings are extant and that internal works principally represent repair and refurbishment. The following are the significant internal interventions.

8.110. *Main Stairs*

The applicant proposes to remove non-original partitions enclosing the stairwell at upper ground floor level and to reinstate the stairs to the lower ground floor in the original location of the removed lower section of the main staircase.

8.111. I consider that the new stairs would reinstate the vertical flow between the lower ground floor (basement level) and the two upper floors respecting the original spatial integrity of the house.

8.112. *Removal of Mosaic floor in entrance hall*

The applicant proposes to remove the mosaic floor in the entrance hall.

8.113. I note the justification, methodology and detail in the conservation report in the matter of the removal of the mosaic in the entrance hall. The applicant claims that the mosaic is not original and supports this claim by evidence of the sub floor, which is not contemporaneous with the fabric of the house.

8.114. The photographic record shows that the floor is supported from below at present, as the timber supporting frame has lost structure integrity.

8.115. The conservation officer report, dated 25/09/25, states that the applicant has not provided for the retention of the floor as requested by further information.

8.116. The conservation officer accepts that the timber floor structure underlying the mosaic is compromised by fungal decay. An independent timber specialist report submitted by further information response confirms severe dry rot to the supporting timberwork structure.

8.117. Notwithstanding the condition of the timber elements of the floor structure, the conservation officer considers that the applicant has greatly underestimated the artistic value of the mosaic tiled floor and the contribution this decorative feature makes to the special architectural and artistic character of the protected structure.

8.118. The conservation officer does not agree with the findings of the applicant response to further information that that the removal of the non-original entrance hall mosaic tile floor would enhance the integrity and authenticity of the 1880s Victorian house. The conservation officer considers most likely the mosaic is original or an early installation.

8.119. The conservation officer advocates the retention of the floor and for further expert analysis of the mosaic to ascertain its special interest and conservation needs. The

conservation officer is of the opinion that the decayed timber elements can be removed and the floor can be retained in situ, or reinstated.

8.120. I conclude that the mosaic floor is an iconic original or later accretion to the protected structure. The loss of the floor would be regrettable given the contribution it makes to the special architectural and artistic character of the protected structure.

8.121. The retention and restoration of the entrance hall mosaic tile floor can be dealt with by way of condition if a positive recommendation is recorded.

8.122. *Rear boundary wall*

The conservation officer by further information request proposed a Leinster granite wall to replicate the existing side boundary walls. The applicant response to further information provide a granite end boundary wall with appropriate detailing.

8.123. *Garden shed*

There is an existing metal timber shed with a corrugated roof located along the western boundary. The applicant proposes to demolish the shed and construct a new shed. The conservation officer states that the demolition of the existing modern shed would be acceptable in principle.

8.124. The proposed size and positioning of the new shed would be acceptable to the conservation officer. I would concur with the conservation officer in this matter.

8.125. **Vehicular entrance – principle and detail in curtilage parking**

The appellant claims that the proposed removal of the front boundary features, including plinth stones, wrought iron railings and the wrought iron pedestrian gate is contrary to Policy BHA2(f) of the development plan.

8.126. The observer on this appeal cites the refusal by the planning authority of similar in-curtilage car parking elsewhere in the city. Furthermore, the observer claims a grant of in-curtilage car parking would be inconsistent with the policy and objectives of the development plan.

8.127. I also note the concerns of the conservation officer in the matter of the unaltered status of the existing boundary.

- 8.128. The conservation officer highlights that no. 20 Palmerston Park is the last in a group of semi-detached houses developed at the east end of the north side of the park to retain its intact front boundary.
- 8.129. The conservation officer states that notwithstanding installation of vehicular entrance gates to protected structures in the vicinity as documented by the applicant, the proposal to alter the front boundary would be detrimental to the special architectural character of the protected structure and the streetscape.
- 8.130. Furthermore, I note the permissions granted for in-curtilage parking cited by the applicant were assessed under the provisions of previous development plans.
- 8.131. Policy SMT25, Section 8.5.7 of the Dublin City Development Plan 2022-2028 requires the retention of on-street car parking.
- 8.132. The Transport Traffic Division Report states that a total of 16 number permits have been issued within an area that has 40 on-street car parking spaces. A low demand for on-street permit parking is indicated.
- 8.133. I concur with the Transport Traffic Division that the removal of a limited section of an on-street parking bay to facilitate in-curtilage car parking and the provision of a new vehicular entrance would not undermine policy SMT25, Section 8.5.7 of the Dublin City Development Plan 2022-2028 in the instance of the proposed development.
- 8.134. The Division required the reduction in the width of the vehicular entrance to a maximum width of 3m. The applicant by further information response reduced the width of the vehicular entrance accordingly.
- 8.135. The further information response shows a revised width of 2925mm. The pedestrian gate opening is 1130mm in width (DRG.202 dated 03/09/25).
- 8.136. The conservation report, dated 25/09/25, reviewing the further information response notes the reduction in the width of the vehicular entrance to a maximum width of 3m, as requested by the Roads Traffic Division. The conservation officer reiterates concern in relation to the provision of a vehicular entrance to the front garden.
- 8.137. Appendix 5, Section 4.3.7 provides guidance in the matter of vehicular entrances to protected structures and within conservation areas, which should where possible, in combined with the existing pedestrian gate, form an entrance no greater than 2.6m.

- 8.138. I consider that the further reduction of the vehicular entrance to 2.6m to reduce its impact on the protected structure and streetscape can be dealt with by way of condition.
- 8.139. I also note Section 13.4.3 and 13.4.4 of the Architectural Heritage Protection Guidelines, which *inter alia* highlights that the cumulative effects of a series of incremental changes may have an unacceptable impact on the character of a streetscape.
- 8.140. The majority of the houses on Palmerston Road have in-curtilage car parking. I do not consider that the character of the streetscape would be significantly altered by the provision of an additional vehicular entrance.
- 8.141. Finally, I note the concern of the conservation officer advising the preservation of the intact boundary treatment no. 20 Palmerston Road, as a representative example of the original boundary treatment to the houses located at the eastern section of Palmerston Park.
- 8.142. I note that the pedestrian gate would remain intact. The vehicular access would be restricted to 2.6m of the extant original boundary treatment (approximately 17m). Therefore, a relatively small section of the railings would be removed.
- 8.143. On balance the proposed vehicular access and in-curtilage parking would not have a significant adverse visual impact on the setting of the protected structure given the modest width of the opening, the retention of the pedestrian gate and the extent of the garden landscaping proposed.
- 8.144. I conclude that the proposed vehicular access would be acceptable in principle and would be consistent with Policy BHA2(f) conditional on the reduction of the vehicular opening to 2.6m in accordance with Appendix 5 (Transport and Mobility: Technical Requirements) Section 4.3.7 of the Dublin City Development Plan 2022-2028.
- 8.145. ***Impact on adjoining properties***
- The rear extension would be set back from the boundary with the adjoining semi-detached house at no.19 Palmerston Road by 3951mm at ground floor level and 8117mm at first floor level.

- 8.146. The side two-storey extension would be setback from the boundary wall with no. 21 Palmerston Road by 890mm.
- 8.147. The width of the side extension would be approximately 4m (3975mm at upper ground floor level and 3565mm at lower ground floor level). It would be less than the width of the existing side extension at lower ground floor level, which presently extends to the boundary.
- 8.148. The first floor of the side extension would be cantilevered on its eastern elevation projecting beyond the foundational base of the lower ground floor (see section Drawing no.103).
- 8.149. The cantilevered upper ground floor would part enclose a passageway beneath linking the front and rear of the property. The projecting upper floor would be located less than 1m from the shared property boundary (890mm).
- 8.150. The side extension would exhibit east facing clerestory windows onto the property boundary less than 1m from the shared property boundary with no. 21 Palmerston Park. The applicant details in the letter of application that these windows will be above eye level internally and will be fitted with translucent glass to ensure that there will be no overlooking of the neighbouring property.
- 8.151. Appendix 18 of the Dublin City Development plan 2022-2028 Ancillary Residential Accommodation) of the Dublin City Development plan 2022-2028 provides guidance in the matter of residential extension. I note the guidance contained in Appendix 18, including the requirement to have regard to the amenities of adjoining properties and in particular the need for light and privacy.
- 8.152. *Impact on no.19 Palmerston Park*
- No.19 Palmerston Park is the abutting semi-detached house to the west.
- 8.153. The appellant claims that the rear terrace and associated side floor to ceiling height west facing window / door opening approximately 8m from the neighbouring house at no.19 Palmerston Road (the abutting semi-detached house) would create actual and perceived overlooking of the adjoining property.
- 8.154. I consider that the omission of the first floor terrace and associated access stairs, as detailed above, would mitigate the significant adverse impact of the proposed extension on no.19 Palmerston Park.

8.155. I further consider that the floor to ceiling side window / door opening in the west elevation of the extension at upper ground floor level would directly overlook no.19 Palmerston Park inconsistent with Section 1.0 (General Design Principles) of Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development plan 2022-2028.

8.156. The proposed fenestration can be amended by way of condition to provide a high level window opening above internal eye level. This can be dealt with by way of condition.

8.157. *Impact on no.21 Palmerston Park*

No. 21 Palmerston Park is the adjoining property to the east. No. 21 & 22 Palmerston Park are a pair of semi-detached houses at the eastern extremity of the Palmerston Park north streetscape.

8.158. There is a significant gap in the streetscape between the pair of semi-detached houses at nos.19 & 20 Palmerston Park and the pair of houses at No. 21 & 22 Palmerston Park further to the east.

8.159. The existing annex attached to the east gable of no. 21 Palmerston Park extends to the eastern site boundary at lower ground floor level and is setback 2332mm from the boundary at upper ground floor level. The proposed extension at upper ground floor level would be set back 890mm.

8.160. The rear extension would project approximately 5m beyond the rear building line of the existing annex.

Overbearance

8.161. The appellant claims that the side and rear extension would result in a material increase in overbearance and loss of visual amenity including an adverse impact on an existing single storey extension to the side of no. 21 Palmerston Park.

8.162. I acknowledge that the proposed extension would be larger than the existing extension, would be closer to the boundary at upper ground floor level (890mm) and would have a greater length along the shared property boundary (13160mm).

8.163. I note there is a significant spatial gap between the east gable of no. 20 Palmerston Park and the west gable of no. 21 Palmerston Park. I note the pre-existing side

extension attached to the east gable of no. 21 Palmerston Park extends to the property boundary at ground floor level.

8.164. Notwithstanding the massing of the new side extension onto the shared property boundary would be greater than the existing relationship.

8.165. The proposed extension would project significantly beyond the established rear building line on Palmerston Park. The blank wall of the extension would be clearly visible above the boundary wall from viewing points to the east in the rear garden of no. 21 Palmerston Park.

8.166. However, I do not consider that the new extension would result in significant overbearing impacts that would warrant a refusal of planning permission.

8.167. *Overshadowing*

The extension is located to the west of no. 21 Palmerston Park. The extension is significantly lower in height than the existing east gable elevation of main house.

8.168. The area to the immediate east of the shared property boundary is in the shadow line of the east gable of the main house. The adjoining property is unlikely to be overshadowed by the significantly lower side extension.

8.169. The proposed side extension is not excessive in height (5800mm to parapet level and 7200mm to roof pitch). The ridge height of the extension is significant lower than the ridge height of the main house (approximately 13m)

8.170. I acknowledge that there may be loss of direct west light to the rear of no. 21 Palmerston Park by reason of the projection of the two-storey extension beyond the existing rear building line (approximately 5m).

8.171. I note that the rear elevation is north facing and therefore has a dependence on east and west light. However, on balance I consider that overshadowing impacts would not be significant given the height of the extension (5800mm) onto the boundary and the

distance of the main house, and side extension of no. 21 Palmerston Park, from the boundary.

8.172. *Overlooking*

The appellant claims that the proposed large kitchen window openings would overlook the private rear garden of no. 21 Palmerston Park.

8.173. The rear window openings are oriented toward the rear garden of no. 20 Palmerston Road. The proposed side eastern elevation openings are high level clerestory windows exhibiting opaque glass located above internal eye level. I consider that there would be no direct overlooking of no. 21 Palmerston Road.

8.174. I conclude that there would be no significant depreciation in the residential amenities of nos. 19 and 21 Palmerston Park subject to the removal of the rear terrace associated external stairs and the substitution of the upper ground floor west elevation fenestration with a high level clerestory window located above internal eye level.

8.175. **Impact on the Residential Conservation Area**

Policy BHA9 (development in conservation areas) requires development in conservation areas to contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting.

8.176. The appellant claims that the proposed development would have a significant adverse impact on the conservation area in terms of inappropriate extension of no. 20 Palmerston Park and by reason of the alteration of its boundary treatment. It is claimed that the proposal would set a poor precedent for development of protected structures in the vicinity.

8.177. I note the dilapidated condition of the appeal site. I consider that the existing long term vacancy and neglect of the property has a negative visual impact on the conservation area.

8.178. The pair of houses at nos. 19 & 20 Palmerston Park form a single composition representing one of a number of semi-detached building blocks at the eastern end of the streetscape.

- 8.179. The design statement included as part of the conservation report states that the upper ground floor of the side extension to the street will be a contemporary interpretation of the existing house using the decorative features of banded brick and elegant proportions. The lower ground floor will be concealed behind the retained granite and brick wall.
- 8.180. The front elevation would be finished in red brick and sandstone similar to original materials. I consider that set back of the front elevation at upper ground floor level would distinguish the old from the new build extension.
- 8.181. The fenestration of the front façade (south) of the side extension elevation would be symmetrically placed and would exhibit an opening (2590mm vertical dimension x 1220mm horizontal dimension) to match the dimension of the original upper ground floor fenestration.
- 8.182. The roof of the extension would be concealed behind a parapet detail on the front facade of the side extension. The horizontal line of the parapet would differentiate the new build extension from the original house, which exhibits an eaves and bracket design at roof level.
- 8.183. The horizontal banding to the front elevation of the main house would be replicated on the extension front elevation.
- 8.184. The side elevation and rear elevation of the extension would be framed in buff brick. The applicant states that the buff brick finish is typical of rear facades and garden buildings historically.
- 8.185. The roof of the proposed extension would have a natural slate finish, as clarified by further information response.
- 8.186. I consider that the contemporary design, set-back and finish of the proposed extension would clearly differentiate the new extension from the original house while providing an appropriately scaled addition to the eastern gable of the pair of semi-detached houses at nos. 19 & 20 Palmerston Road that would harmonise with the existing building stock in the conservation area.
- 8.187. Finally, I consider that the proposed in-curtilage parking would not have a significant adverse visual impact on the conservation area given the modest size of the vehicular opening (2.6m), the landscaping of the front garden and the established streetscape

character where nos. 13-22 inclusive (with the exception of no. 20 Palmerston Park) enjoy in-curtilage parking.

8.188. I note that Condition 3 of ABP PL29S.247170 (09 June 2017) reduced the width of the vehicular access to a maximum of 2.6m to protect visual amenities and the character of the conservation area.

8.189. I conclude that the overall development subject to condition would contribute positively to the character and distinctiveness of the conservation area by rehabilitating and restoring no. 20 Palmerston Park consistent with Policy BHA9 (development in conservation areas).

8.190. **Other Matters**

The planning authority applied a development contribution condition to the grant of permission (Condition 2). A condition requiring the payment of a Section 48 development contribution is requested by the planning authority if a positive decision is recorded. I consider a development contribution is appropriate.

9.0 **AA Screening**

I have considered the proposed development in-light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located within an established suburban area and is connected to piped services and is not immediate to a European Site. The proposed development comprises minor demolition and extension works to a dwelling house.

No significant 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 given the small-scale nature of the development.

I conclude 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

10.1. The site is located in an inner suburban location. It is not proximate to a visible watercourse.

The proposed development comprises demolition, extension and restoration works to an existing building.

No water deterioration concerns were raised in the planning appeal.

I have assessed the development 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 & 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 the small scale and nature of the development.

I conclude based on objective information, the proposed development will not result in a risk of deterioration of 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

11.1. I recommend a grant of planning permission subject to condition for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the Z2 residential conservation zoning objective, the policy framework provided by the Dublin City Development Plan 2022-2028, for the

regulation of protected structures and their setting, and the Architectural Heritage Protection Guidelines for Planning Authorities (2011), it is considered that the proposed development subject to condition would not have an adverse impact on the architectural character, special interest(s) and setting of no.20 Palmerston Park, a protected structure, consistent with Policy BHA2 (development of a protected structure), Policy BHA9 (development in a conservation area) and Appendix 5 (Transport and Mobility: Technical Requirements), Section 4.3.7 (parking in the curtilage of protected structures) of the Dublin City Development Plan 2022-2028, would in general satisfy the requirements of the Architectural Heritage Protection Guidelines for Planning Authorities for the restoration and extension of a protected structure and would not result in a significant adverse impact on the existing residential amenities of the neighbouring properties at nos. 19 and 21 Palmerston Park (Protected Structures) and, as such, would be consistent with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by further information submitted on the 10/09/25, 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 applicant shall submit for the written agreement of the planning authority revised floor plans, section and elevation drawings providing for the following modifications:
 - (a) The omission of the upper ground floor terrace and associated external garden access stairs to the rear extension and the substitution of a non-accessible flat roof to the single-storey element of the rear extension;

- (b) The omission to the outward opening floor to ceiling fenestration located in the west (side) elevation of the upper ground floor level of the rear extension and the substitution of a high level clerestory opening located above internal eye level.

Reason: In order to protect the character and integrity of the Protected Structure at 20 Palmerston Park and in order to protect the residential amenities of the abutting Protected Structure at no. 19 Palmerston Park.

3. The applicant shall comply with the following requirements of the Planning Authority:

- (a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.

- (b) Prior to the commencement of the development, the applicant shall submit for the written approval of the planning authority:

- (i) Conservation method statement for the repair / reconstruction of the hallway subfloor structure and preservation and repair of mosaic floor. The applicant shall engage the services of an experienced historic mosaic restorer.
- (ii) Revised conservation method statement for original timber floorboards to omit sanding.
- (iii) Detailed specification and methodology (to completed by a specialist historic iron forger / blacksmith) for the proposed work to the historic railings and stone plinth to accommodate a new vehicular gate shall be submitted. Details of the proposed automation and all fixtures / fittings shall be provided, that shall be to the minimum

necessary so as to ensure that they would have no visual impact on the historic railings and repurposed railings.

(c) During the course of development, the applicant shall submit for the written approval of the planning authority:

- (i) Site samples for the restoration of the entrance hall mosaic.
- (ii) The Conservation Officer shall be given the opportunity to inspect existing brickwork, a raking sample, brick repair sample (if necessary), brickwork cleaning sample, a historically accurate pointing sample and stonework repair sample for written agreement. The applicant shall contact the CO directly to arrange a site inspection.

(d) The proposed development shall be carried out in accordance with the following:

- (i) All works to the structure shall be carried out in accordance to best conservation practice and the Architectural Heritage Protection Guidelines for Planning authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. 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.
- (ii) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- (iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

- (iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at 20 Palmerston Park and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 4. Prior to the commencement of development, the applicant shall submit a revised elevation drawing and site plan for the written agreement of the planning authority to reduce the width of the vehicular entrance to a maximum 2.6m.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at no. 20 Palmerston Park and in compliance with Appendix 5 (Transport and Mobility: Technical Requirements), Section 4.3.7 (parking in the curtilage of protected structures) of the Dublin City Development Plan 2022-2028.

- 5. The site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

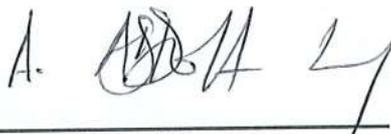
- 6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.



Anthony Abbott King
Planning Inspector

30 January 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PI-500124-DS
Proposed Development Summary	Restoration, demolition of non-original extension(s) new extension and in-curtilage parking (to a protected structure).
Development Address	20 Palmerston Park, Dublin 6
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2
	<input type="checkbox"/> No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> 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
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<p>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?</p>	
<p><input checked="" type="checkbox"/> 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.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold N/A</p>
<p><input type="checkbox"/> 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)</p>	<p>State the Class and state the relevant threshold N/A</p>
<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: A. [Signature]

Date: 30/01/26