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photomontage of the proposed view of the entrances to 15 and 16 Monkstown Crescent

Source Robin Mandal

APPEAL

16 MONKSTOWN CRESCENT WIDENING OF THE EXISTING FRONT PEDESTRIAN ENTRANCE TO PROVIDE FOR VEHICULAR ACCESS

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11th November 2026
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1

Date of application: 8th September 2026

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Application Reference No: D26A/0673

Location: 16, Monkstown Crescent, Monkstown, Co. Dublin, A94XD65 (A Protected Structure)

Applicant: Raef Tyrrell

Appellant: Raef Tyrrell

Description of Development: The proposed development will consist of the widening of the existing front pedestrian entrance to provide for vehicular access, the removal of a small section of the front boundary wall, and all ancillary site development works at 16 Monkstown Crescent, a protected structure.

Date of decision: 27 thOctober 2026

Appellant: Raef Tyrrell Applicant

Dear Sir, Madam,

We act on behalf of Raef Tyrrel, 16 Monkstown Crescent, Monkstown Dun Laoghaire Rathdown the applicant and first party appellant in respect of the above development.

We hereby appeal a decision of the Planning Authority, Dun Laoghaire Rathdown Co Co, to refuse permission for the above development.

We enclose the relevant amount of €220 in payment of the appeal fee.

Any correspondence in respect of this appeal should be sent to the offices of Reid Associates, 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin, A96X566.

Our grounds of appeal are set out as follows.

GROUNDS OF APPEAL

PREAMBLE

We have reviewed the reasons for refusal and we address the issues raised therein.

1. BACKGROUND CONTEXT

1.1 We refer to the extensive pre planning consultation to Dun Laoghaire Rathdown Co Co in April 2026, reference PAC/41/26 and to discussions with Sinead O'Hara Conservation Officer in regard to the planning application which is driven by the conservation and heritage character of the protected structure at 16 Monkstown Crescent.

1.2 The design approach is to ensure that the conservation character of the protected structure and the Architectural Conservation Area is protected and that the proposed development is virtually invisible in the streetscape and will be viewed as if it was always in situ. Consequently the removal of any boundary wall is minimised.

1.3 The guiding principle is to secure provision of a vehicular access in a discrete and minimal manner so that it looks as if it has always been there and integrates sensitively within the protected character of the property and the surrounding Architectural Conservation Area. Our client has a pressing social need for universal access to facilitate his elderly father and his young daughter who has special needs.

1.4 In that context the refusal of permission by Dun Laoghaire Rathdown Co Co is particularly harsh and does not reflect the evidence that the proposed change to the entrance will have a negligible visual and heritage impact and does not endanger public safety.

2. REASON 1

The Planning Authority considers that the proposed widening of the existing pedestrian entrance to facilitate vehicular access and parking within the front curtilage of the Protected Structure, together with the proposed removal of part of the front boundary wall, relocation of an entrance pier and alteration of the existing gate, would erode the established streetscape character of the Monkstown Architectural Conservation Area and diminish the character, curtilage and setting of the Protected Structure. The proposed development would not accord with Policy Objective HER8: Works to Protected Structures, Policy Objective HER13: Architectural Conservation Areas, Section 12.4.8.4: ACAs/Protected Structures, Section 12.11.2.1: Works to a Protected Structure, or Section 12.11.3: Architectural Conservation Areas, of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would set an undesirable precedent for similar development within this area of high architectural quality, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

2.1 The reason for refusal appears to be predicated on the Conservation Officer's report. In this the Conservation officers appears unduly influenced by the previous planning history of refusal for a less sensitive proposal, rather than on the detailed design assessment of the subject drawings and justification, which set out to minimise impact on the streetscape.

2.2 While the Conservation Officer acknowledges the design quality of the proposal, the report fails to acknowledge that this design quality and the minimal removal of the boundary wall circa 2.m merits and warrants a reversal of the previous Council decision.

We acknowledge that it is difficult to reverse a previous decision to refuse permission and that is why an independent Architectural Heritage Impact Assessment was commissioned.

2.3 Instead of relying on the independent and objective AHIA undertaken by Robin Mandal the Conservation Officer appears bound by the previous planning history relating to the previous unsatisfactory design. The Conservation report '*maintains the opinion that the loss of boundary…. would erode the streetscape character."*

2.4 However relying on the *planning history opinion* is not based on the current evidence of the new application whereby the loss of boundary wall is minimal, just circa 2m and because the change in width of the entrance is incorporated *within* the relocation of the existing pillar it is barely noticeable and it is not perceived as a loss of boundary wall. It will look as if the entrance was always as is proposed enclosed within the original piers.

2.5 The previous design iteration, which was refused, proposed an entirely separate pedestrian entrance and a new independent vehicular entrance and driveway which resulted in the removal of the major section of the front garden affecting the setting as well as large sections of the front boundary wall.

2.6 The proposed vehicular entrance is integrated within the existing boundary entrance arrangement and consequently fits in seamlessly within the established streetscape. The proposed design is not just better, it *avoids* streetscape impact by merely widening the pedestrian entrance. Consequently there is negligible loss of boundary and negligible impact on the setting of the protected structure or the streetscape.

2.7 Please see the photomontage, on the front cover, which demonstrates negligible impact on the streetscape.

2.8 The proposed development is **fully compliant with the development plan policy**

11.4.1.2 Policy Objective HER8: Work to Protected Structures

It is a Policy Objective to:

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

Response

The proposed widening of the existing entrance does not negatively impact any special character or interest.

The conservation design approach simply proposes to move the existing western pier from its current position to a new position 130mm from the boundary wall to the east with Monkstown Church.

ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.

Response

The proposed development is conservation led and the vehicular entrance has been designed to assimilate within the existing curtilage and setting of the protected structure. The design supports the *Architectural Heritage Protection Guidelines* by ensuring the smallest possible loss of original fabric in line with the guidance.

iii. Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.

Response

Our client has appointed Robin Mandal who has specialised conservation expertise. All site works will be carried out by persons with a track record of experience in working on Conservation projects.

iv. 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.

Response

The proposed entrance is sensitively designed so that the increased width is accommodated within the two original piers so as to reduce its scale and impact and ensure it is sensitively sited and designed. It sits within the frame of the existing and relocated stone piers and will not be percieved as a change.

v. Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.

Response

The modest scale of the entrance and its sensitive siting all ensure that the integrity of the protected structure and relationship to its garden setting is retained.

vi. Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.

Response

The proposed entrance does not affect the interior. However it provides for universal access to the house via the existing entrance ramp to the side.

vii. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

Response

The proposed entrance allows for inclusive universal access compatible with the character and special interest of the protected structure as a family dwelling.

viii. Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.

Response

The proposed entrance has been designed so as to minimise impact so that there is negligible impact on the special character of the protected structure or its curtilage. The existing garden largely remains the same.

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

Response

The garden design is not historic but its character which is attractive is retained.

x. Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).

Response

There are no historic landscapes relevant.

11.4.2.1 Policy Objective HER13: Architectural Conservation Areas

It is a Policy Objective to:

i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA.

ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.

iii. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.

iv. Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.

v. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed. vi. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

Response

The design for the proposed vehicular entrance has had particular reference to the ACA Character Appraisal and this is reflected in the minimal intervention to the front boundary, and the boundary wall to the east of the existing pier is to be retained. The materials are appropriate and the widened gates will be similar in design and character to the existing gate.

The character of the ACA is fully protected and there is negligible impact on the streetscape as is evident from the photographic image produced by Robin Mandal. The boundary wall is largely retained and the existing soft landscaping is also retained.

The proposed development balances the needs of modern contemporary living and universal access with heritage protection and thereby supports the development plan heritage policies for Monkstown ACA.

2.9 **A grant of permission by An Coimisiún Pleanála will not set an undesirable precedent as**:

1. Number 16 The Crescent displays a different typology and is of a different architectural style, design, height and composition to the rest of the terrace which properties are generally single storey villa design.
2. Unlike all of the other earlier villa style houses on Monkstown Crescent, 16 has no rear access, built, as it was, on a leftover piece of land from the construction of 1 – 15 Monkstown Crescent.
3. As well as being later, of a different scale to the wide, three bay, single-storey over basement composition of 1 – 15 Monkstown Crescent, it presents to the public realm very differently. All of the rest form a composition of railings on a granite coping, ranging in height from the dwarf walling of 15 to the higher retaining walls of the lower numbers such as 1 – 4.

4. As well as its age, its typology is very different, being a narrow, two-storey house.[1]
5. Number 16 acts as a transition from the late-Georgian villas to the rebuilt Church of Ireland Parish Church, but it is not part of the architectural set-piece that form the Georgian villas of Monkstown Crescent. In that context, it is of less architectural interest than the remainder of the crescent of 1 – 15 Monkstown Crescent.[2]
6. There are three existing established vehicular entrances to this section of Monkstown Crescent, serving numbers 4 and number 5 and also to the side of number 7. These vehicular entrances have been handled in a sensitive architectural manner in keeping with the conservation character of the Crescent and Monkstown Architectural Conservation Area (ACA). They demonstrate that the typology for the vehicular entrance proposed is characteristic of the Monkstown ACA.

2.10 There is no injury to the amenities of the area either in architectural design terms or streetscape impact and the existing garden amenity of number 16 is retained.

2.11 Moreover **proper planning and sustainable development of the area warrants facilitating the need of the applicant to provide for universal access** to accommodate both the special needs of his daughter and the mobility needs of his elderly father.

2.12 There is no evidence that the either the Conservation Officer or the Planning Officer considered the need for universal access.

2.13 The need for a vehicular access to the dwelling to provide for disabled/universal access is supported by the **EU Charter of Fundamental Rights** and the **UN Convention on the Rights of Persons with Disabilities.**[3]

2.14 It is a priority of the **European Disability Strategy 2021-2030 that Accessibility** of goods and services, built and virtual environments and transport should be freely available **across** all aspects of life of people with disabilities. EU law is framed so it is proactive to ensure the rights of people with disabilities are respected within the built environment and the proposed minor widening of the existing entrance supports EU law.

2.15 Having regard to the unique architectural expression of number 16 Monkstown Crescent the facility to provide access for persons with limited mobility is to be welcomed as both supporting EU Law and proper planning and sustainable development. The Dun Laoghaire Rathdown Development Plan 2022-28 supports inclusive design and universal access as set out in Policy Objective PHP36 for Inclusive Design and Universal Access.

> ***4.4.1.2 Policy Objective PHP36: Inclusive Design & Universal Access***
> *It is a Policy Objective to promote and support the principles of universal design ensuring that all environments are inclusive and can be used to the fullest extent possible by all users regardless of age, ability or disability consistent with RPO 9.12 and 9.13 of the RSES.*

2.16 The design of the proposed vehicular access has been carefully managed to limit the overall gate width to 3.05m while providing a granite paved parking area which is

[1] Robin Mandal Architectural Heritage Impact Assessment

[2] ibid

[3] The EU's Charter of Fundamental Rights prohibits discrimination on the ground of disability and recognises the right of people with disabilities to benefit from measures to ensure their independence, social and occupational integration and participation in the life of the community. The rights of persons with disabilities in the EU are also protected by the UN Convention on the Rights of Persons with Disabilities (CRPD). In 2010, the EU accepted the CRPD, the first time the EU itself has accepted an international human rights treaty.

proposed to be widened from 1.6m to 3.4m inside the gates which allows for an accessible zone of 1m to the side of the car which is sufficint and adequate to transfer from a walker or wheelchair and also allows easy passage from the car via the existing ramped path to the side entrance door avoiding steps.

2.17 Furthermore, our client intends to purchase an ***electric car,*** which would support national and development plan policy and **the Climate Action Plan**. To facilitate this he needs direct access to an electric charging point in his garden as it is not feasible to charge an electric car from publicly located charging points given the cost, paucity of locations and time for charging. The nearest public charging point is 1.5km away in Dun Laoghaire.

2.18 The review of the Planning Report highlights that the Planning Officer relied upon the Conservation Officer's recommendation without further review of the broader planning issues. There was no assessment of the need for universal access or no balancing of the need set out in the policy of the Architectural Heritage Guidelines to *permit appropriate changes to protected structures in order to make them fit for modern living.*[4]

2.19 In relying on the *previous opinion in other words the previous refusal* the Conservation Officer was unduly negatively disposed and failed to give due regard to the need for universal access and the Planning Officer similarly failed to consider the need for universal access even though the development plan ***Policy Objective*** **PHP36** is **to promote and support the principles of universal design.**

2.20 **The proposed works to be undertaken are minimal and will not be noticeable in the streetscape.**

The Architectural Heritage Impact Assessment (AHIA) concluded there would be negligible impact.

2.21 Reason 1 of the Dun Laoghaire Rathdown Co Co decision is unsustainable and has no merit, precludes universal access without good reason and should be dismissed.

3. REASON 2

The proposed vehicular entrance, by reason of its location immediately adjoining the existing stone boundary wall to Monkstown Parish Church and its proximity to the pedestrian crossing on Monkstown Crescent, would not provide adequate visibility between vehicles exiting the site and pedestrians and other road users. The alterations required to achieve adequate visibility would materially alter the submitted entrance arrangement and would necessitate further intervention to the boundary treatment within the curtilage of the Protected Structure and the Monkstown Architectural Conservation Area. In the absence of an acceptable entrance arrangement demonstrating adequate visibility, the proposed development would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.1 The Transportation Planning Department did not recommend a refusal of permission. The report noted the location proximate to the pedestrian crossing and the height of the Boundary wall to Monkstown Church limited sight visibility between the entrance and pedestrians and other vehicles.

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[4] Architectural Heritage Protection Guidelines for Planning Authorities 2011, S.6.8.1

The presence of the pedestrian crossing slows down and manages traffic in the vicinity of the entrance in a manner to prioritise pedestrians and provides for reasonable and adequate and limited slow moving vehicular access in such an environment.

3.2 The location of the proposed entrance proximate to the pedestrian crossing, will allow safe access and exit from the vehicular entrance as the pedestrian crossing will slow down traffic, and allow intervals of stopped traffic to facilitate safe and easy access and egress to and from the proposed disabled parking space.

3.3 The experience of traffic movement in and out of similar vehicular entrances on Monsktown Crescent is that there is adequate sight visibility in both directions and both the traffic lights and pedestrian crossing act to slow the traffic and afford an opportunity to access and egress without problem.

3.4 Therefore the subject entrance and parking is in accordance with the character and pattern of land use and development in the vicinity.

3.5 The report did not advise that the development **would endanger public safety by reason of traffic hazard.** There is no evidence to support the second reason for refusal and the evidence on the ground is that the existing vehicle entrances to nearby dwellings at Monkstown Crescent operate within tolerable margins of public safety and there is no evidence of any record of endangerment of public safety. Within such an urban area there is a duty of care on drivers and pedestrians to navigate the urban environment with due care and slow speed, which has proven reasonable in relation to the neighbouring entrances.

3.6 There are three existing established vehicular entrances to this section of Monkstown Crescent, serving numbers 4 and number 5 and also to the side of number 7. These vehicular entrances have been handled in a sensitive architectural manner in keeping with the conservation character of the Crescent and Monkstown Architectural Conservation Area (ACA). These entrances have similarly high pillars and similar sight visibility for access.
Within such an architectural conservation area described as a busy local service centre achievement of ideal sight visibility is neither practical nor feasible and the traffic management in place is adequate to allow for safe access and egress as proposed.

3.7 The planning report did not base its decision on the drawings before it but on the anticipation of the amendment of the drawings by the condition set out in the transport report, which involved works, which would undermine the conservation character. It is clear that the priority in this case is to protect conservation character and the paramount priority is to avoid any such transport infrastructure type conditions as being inappropriate for an Architectural Conservation Area.

3.8 The sustainable response is not to refuse permission but to avoid attaching such conditions as being neither reasonable nor practical nor warranted in the light of the empirical evidence. The consequence is not endangerment of public safety but traffic management in a reasonable and slow moving manner in an urban area as is evident in Monkstown Crescent.

3.9 The planning history upon which the Council has relied so heavily did not refuse permission on the grounds of traffic safety. The entire rationale was based on the design incompatibility. Our client has comprehensively addressed the design issues and raising additional traffic related issues is unsustainable in that context.

4 CONCLUDING STATEMENT

4.1 The guiding principle is to secure provision of a vehicular access in a discrete and minimal manner so that it looks as if it has always been there and integrates sensitively within the protected character of the property and the surrounding Architectural Conservation Area in accordance with the Dun Laoghaire Rathdown Development Plan policy.

4.2 The design is conservation led and the vehicular entrance has been designed to assimilate within the existing curtilage and setting of the protected structure. The design supports the *Architectural Heritage Protection Guidelines* by ensuring the smallest possible loss of original fabric in line with the guidance. The siting and minimal width of the vehicular entrance will assimilate into the streetscape character.

4.3 The AHIA conclusion that the impact of the proposed works is long-term, neutral and slight supports a positive decision to grant permission. The AHIA conclusions are complemented by the photomontage of the proposed entrance both as seen in the streetscape view and as seen directly opposite which provide an evidence basis for the conclusion of the AHIA.

4.4 The reasons for refusal are unsustainable and should be dismissed.

4.5 The proposal for the widening of the existing entrance is visually discrete, protects the setting and character of the protected structure by retaining the existing garden and has negligible visual impact on the character of the streetscape and Monkstown ACA as the change is barely noticeable and is assimilated within the character of the street.

4.6 The very necessary vehicular access, which will provide for disabled access will sit within the established framework of the design character of the garden and the setting of the protected structure and the character of the Architectural Conservation Area.

4.7 The proposal to provide for vehicular entrance will allow the continuance of an integrated relationship between the protected structure and the landscape setting of its curtilage while providing a clear definition of the front door entrance and providing for contemporary living and disabled access.

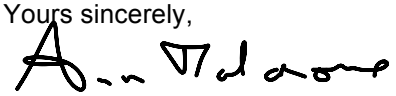
4.8 The experience of traffic movement in and out of similar vehicular entrances on Monsktown Crescent demonstrates that there is adequate sight visibility in both directions and both the traffic lights and pedestrian crossing act to slow the traffic and afford an opportunity to access and egress without problem.

4.9 Therefore the proposed development is in accordance with the character and pattern of land use and development in the vicinity and would not give rise to endangerment of public safety.

4.10 The Architectural Heritage Protection Guidelines for Planning Authorities 2011 identifies that making protected structures fit for modern living is essential.

4.11 We hereby request An Coimisiún Pleanála to grant permission for the proposed development.

Yours sincerely,



Ann Mulcrone