



An  
Bord  
Pleanála

**Board Direction**  
**ABP-305895-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/06/2020.

The Board decided, as set out in the following Order, that

Board Order as follows:-

**WHEREAS** a question has arisen as to whether:

1. The refurbishment of the 4 existing windows to the front of the house at the main entrance (ground floor) level and the first-floor level,
2. The refurbishment of the 3 existing windows to the rear of the house at the main entrance (ground floor) level and the first floor and attic levels, including repairs and/or renewal of the patent reveals,
3. The fitting of draught restricting weather seals to the windows described in 1 and 2 above to improve comfort, thermal performance and reduce energy consumption,
4. The fitting of restrictors to the windows described in 1 and 2 above to improve safety, and
5. Re-landscaping the front garden, without making any changes or works to the existing railings, to provide a gently sloping path to the lower ground level for baby buggies and bicycles

at No 5 Dartmouth Square, a Protected Structure, is or is not development and is or is not exempted development:

**AND WHEREAS** Conor Power and Lorraine Mulligan requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 25<sup>th</sup> day of October, 2019 stating that:

1. The refurbishment of the 4 existing windows to the front of the house at the main entrance (ground floor) level and the first-floor level,
2. The refurbishment of the 3 existing windows to the rear of the house at the main entrance (ground floor) level and the first floor and attic levels, including repairs and/or renewal of the patent reveals,
3. The fitting of draught restricting weather seals to the windows described in 1 or 2 above to improve comfort, thermal performance and reduce energy consumption, and
4. The fitting of restrictors to the windows described in 1 and 2 above to improve safety

is development and is exempted development:

and that

5. Re-landscaping the front garden, without making any changes or works to the existing railings; to provide a gently sloping path to the lower ground level for baby buggies and bicycles

is development and is not exempt development:

**AND WHEREAS** Conor Power and Lorraine Mulligan Referred this declaration for review to An Bord Pleanála on 13<sup>th</sup> November, 2019:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1), 4(1)(h), 4(1)(j) and 57(1) of the Planning and Development Act 2000, as amended (the Act), and
- (b) Class 3, Schedule 2, Part 1, of the Planning and Development Regulations 2001, (the Regulations) as amended,

**AND WHEREAS** An Bord Pleanála has concluded that:

1. The refurbishment of the 4 existing windows to the front of the house at the main entrance (ground floor) level and the first-floor level
2. The refurbishment of the 3 existing windows to the rear of the house at the main entrance (ground floor) level and the first floor and attic levels, including repairs and/or renewal of the patent reveals
3. The fitting of draught restricting weather seals to the windows described in 1 and 2 above to improve comfort, thermal performance and reduce energy consumption, and
4. The fitting of restrictors to the windows described in 1 and 2 above to improve safety

are works which are development and which would not materially affect the Protected Structure having regard to the provisions of sections 4(1)(h) and 57(1) of the Act

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the Planning and Development Act, 2000 as amended, hereby decides that these works are development and are exempted development:

**AND WHEREAS** An Bord Pleanála has concluded that:

5. Re-landscaping the front garden, without making any changes or works to the existing railings, to provide a gently sloping path to the lower ground level for baby buggies and bicycles

are works which are development, which include the construction, erection, or placing forward of the front wall of a house, of a structure or structures, and therefore do not come within the provisions of Class 3 of Part 1 of Schedule 2 of the Regulations, and which would materially affect the Protected Structure having regard to the provisions of sections 4(1)(h) and 57(1) of the Act:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the Planning and Development Act, 2000 as amended, hereby decides that these works are development and are not exempted development

**Board Member:**

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John Connolly

**Date:** 24/06/2020