



An
Bord
Pleanála

Board Direction
BD-017120-24
ABP-318409-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/07/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to

- the policies and objectives of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024,
- the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2022,
- the Architectural Heritage Protection Guidelines for Planning Authorities (2011)
- the Dublin City Development Plan 2022 – 2028,
- the protected structure status of the property as noted on the Record of Protected Structures contained within the Dublin City Development Plan 2022 – 2028,
- the site's location in Herbert Street and part of a terrace of similarly designated protected structures within a Zoning Objective Z8 area as set out in the Dublin City Development Plan 2022 – 2028 with Objective to protect the existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objective,

- The permissible nature of a residential use in a Z8 Zoned area as set out in the Dublin City Development Plan 2022 – 2028 and encouragement in the Plan to seek the sensitive re-establishment of residential uses in such areas and
- The current vacant status of the property and its previous use as offices which has adversely impacted on its internal and external character and appearance,

it is considered that subject to the conditions set out below, which include a reduction in the number of residential units from eleven to eight, the proposed development would provide an acceptable standard of residential accommodation and amenity that would not materially contravene the Z8 Zoning Objectives for the area, would not detract from the special form, integrity, character or appearance of the protected structure, its setting or the character or appearance of the terrace of which it forms part or the conservation area in which it is situated and would not otherwise detract from the amenities of the area or of property in the vicinity. The proposed development would, as such, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted with the grounds of appeal on the 7th day of November 2023 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 commencement of development revised and additional plans and particulars shall be submitted to, and agreed in writing by the planning authority incorporating the following amendments and additions to the proposed development:
- (a) Omission of Basement level Unit 3 (One bed unit) and resultant area to rear of building to be utilised and laid out as communal outdoor open space.
 - (b) Omission of Basement level Unit Nos 1 and 2 (Studio Units) and their replacement with a single One bed dual aspect unit.
 - (c) Details of the communal outdoor open space required by Condition 2(a) with provision of associated amenities and facilities including cycle parking facilities.
 - (d) Detailed methodologies, specifications and materials for implementation of the following works

- Proposed works to roof including any new structural support works and insulation;
- Proposed works for remediation of damp and moisture ingress to the basement level;
- Proposed works to repair and reinstate damaged and removed decorative plasterwork;
- Proposed works to upgrade floors for purposes of fire rating, acoustic insulation and services installation including the lifting and reinstatement of floorboards;
- Proposed works to repair and reinstate external facades including where demolition and repointing and repairs to brickwork is proposed.
- Proposed works to repair and reinstate windows and glazing including reinstatement of shutter boxes and provision of protective guard rails.

Reason: In order to provide an acceptable standard of residential amenity, in the interest of the amenities of occupiers of the proposed development and to protect the integrity, character and appearance and setting of the protected structure and area.

3. For the avoidance of doubt the permission hereby granted allows for eight no. residential units in total only consisting of the following accommodation

- Basement level 1 no. one bed Unit,
- Ground floor 1 no one bed Unit and 1 no. Studio Unit,

- First floor 1 no. one bed Unit,
- Second floor 2 no. Studio Units,
- Third floor 2 no. Studio Units.

Reason: In the interest of clarity.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

5. Details of the internal and external finishes and materials of the proposed development hereby permitted shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to protect the integrity, character and appearance of the protected structure.

6. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

7. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site 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 building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be

removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no form of advertising, posters, boards or other form of advertising (illuminated or otherwise) shall be displayed on the building or within the site subject of this permission unless they have been the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such advertising on the character and appearance of the site, protected structure and the amenities of the area.

9. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

10. Prior to commencement of development details of a Construction Management Plan and a Demolition Management Plan shall be submitted to, and agreed in writing by, the planning authority. These Plans shall include provision of details relating to traffic management and parking of construction and construction workers vehicles, plant and materials compounds, hours of work, noise and dust management and control measures, access provisions for plant, labour and materials, off site disposal of waste and measures proposed to keep adjacent roads clean of dirt, dust and debris. The development shall thereafter only be carried out in accordance with the details contained in the agreed Plans.

Reason: In the interest of orderly development and to protect the amenities of the area

11. Site development and building works shall be carried out only between the hours of 0800 hours to 1900 hours Monday to Friday inclusive, between 0800 hours to 1400 hours Saturday 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 the interest of orderly development and to protect the amenities of the area

12. Any landscaping incorporated pursuant to the provision of the communal outdoor open space required by condition 2(a) and (c) above shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of open space and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

14. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

Board Member


Martina Hennessy

Date: 29/07/2024