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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4542/17**

**Appeal** by Katy McGuinness and Felim Dunne of 6 Herbert Street, Dublin and by others against the decision made on the 1<sup>st</sup> day of June, 2018 by Dublin City Council to grant subject to conditions a permission to Carnivan Bay Hospitality care of Hughes Planning and Development of 70 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will consist of internal and external alterations to the existing four-storey over basement building with rear return fronting Herbert Street and existing two-storey mews building fronting Herbert Lane. (1) The works to Number 8 Herbert Street will consist of the following: (i) at lower ground floor level, non-original door and window to front projection to be removed and replaced with new painted timber joinery; existing sash window on front elevation to be refurbished and draught proofing applied; modification of existing ope to provide new double doors; removal of non-original blockwork nib to facilitate new WC and shower room (Part M compliant) in lightweight enclosure; provision of new galley kitchenette; modify existing door ope and provide new door at entrance to rear return and the provision of new WC and wash hand basin in lightweight enclosure; refurbish

existing sash windows to rear and apply draught proofing; and, removal of non-original shed and fuel store to rear; (ii) at upper ground floor level, the original front door, surrounds, columns and fanlight on main elevation to be retained and refurbished; original flagstone floor to be retained and cleaned; existing shutterboxes and sash window on front elevation to be refurbished and draught proofed and existing plate glass to be replaced with 'Slimlite' double glazed window; existing internal doors and architraves to be refurbished with original decorative plasterwork to ceiling to be retained and cleaned; existing floorboards to be sanded and repaired where necessary; removal of non-original double doors to rear return and modification to existing ope to provide new door; installation of new shower room and WC concealed within the new panelled enclosure along with the provision of new kitchenette; refurbish existing sash windows on the main rear elevation and apply draught proofing; repair existing cast iron balconette on main rear elevation to match existing cast iron balconette at first floor level; removal of non-original timber window on elevation of rear return and replacement with new painted timber window; removal of non-original timber door to the rear of the building and replacement with new painted timber door; (iii) at first floor level, existing shutterboxes and sash window on front elevation to be refurbished and draught proofed, and existing plate glass to be replaced with 'Slimlite' double glazing; refurbishment of existing shutterboxes sash windows to the rear and application of draught proofing; non-original double doors with glass panels to rear return to be removed and replaced with new painted timber double doors; original cornicing to be retained and cleaned along with original ceiling rose; removal and replacement of non-original door adjacent to stairway; existing door at landing to be retained; original fireplace to be retained; and, provision of new kitchenette and WC to be concealed within lightweight enclosure; (iv) at Second Floor level, existing windows to front elevation to be retained and refurbished; original cornicing to be retained and refurbished; removal of non-original glazed double doors and replace with solid doors; blocking up of existing door opening at landing; formation of new door opening to provide new jib door at landing; installation of two number new kitchenettes concealed

in panelling; and removal of stainless steel flue and PVC drainage pipes at rear return; (v) at third floor level, works will include the removal of non-original stud partitions; removal of non-original casement windows and provision of new painted sash windows to rear elevation; installation of new WC and new shower room. There are no works proposed to the existing roof apart from necessary repairs and refurbishment of existing roof lights. (2) Works to the existing two-storey mews building fronting onto Herbert Lane to include the removal of non-original internal partitions, non-original spiral stairway, removal of non-original windows and replacement with painted timber windows; removal of non-original roof lights and provision of new thermally broken roof light; erection of new internal stud partitions and insulation at ground floor level and first floor level; new opening at ground floor level on rear elevation (facing garden of Number 8 Herbert Street); bin store; and the provision of new rendered wall with new sliding gate and side door entrance from Herbert Lane. (3) Permission is also sought for change of use of the subject property from office use to serviced short-stay tourist accommodation comprising a total of nine number bedroom suites in total (comprising seven number guest suites together with a reception, guest services and coffee dock at upper ground floor/entrance level in Number 8 Herbert Street and two number guest suites in Number 8 Herbert Lane). All ancillary works necessary to facilitate the development. The development does not result in any change to the floor area or footprint of the buildings. All at Number 8 Herbert Street and Number 8 Herbert Lane, Dublin (a Protected Structure).

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the location of the site within an area zoned Z8 to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with conservation objectives and, to the location of the site within the area zoned Z1 to protect, provide and improve residential amenities, within the Dublin City Development Plan, 2016 - 2022 and, to the provisions of Section 14.5 which provide guidance on scope for relaxation of zoning objective provisions for development proposals affecting protected structures especially where the long-term viability of the structure is facilitated, and works are at the highest standard, it is considered that, subject to compliance with the conditions set out below, the proposed development, would not seriously injure the residential amenities of property in the vicinity on Herbert Street and Herbert Lane, would not seriously injure or adversely affect the historic fabric, integrity and character of Number 8 Herbert Place, a protected structure, including features of special interest within the curtilage or the adjoining protected structures, would not adversely affect the character of the Herbert Street Conservation Area and, would, therefore, 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 the 8<sup>th</sup> day of May, 2018, 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. The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in 2005, and who, prior to the commencement of the development, shall submit to, and agree in writing with, the planning authority the following requirements:
  - (a) (i) A detailed schedule of surviving historic glazing present is to be submitted for agreement in writing with the planning authority prior to commencement of the development. All existing plate glass shall be retained. Secondary glazing may be used. Use of ‘Slimlite’ glazing is not permitted in windows in which original glass survives. If ‘Slimlite’ glazing is used, it must be demonstrated that existing glazing bars can, without adverse impact on profile, accept putty glazed double glazing.

- (ii) A detailed schedule of replacement windows to include an exemplar comprising one pane and frame demonstrating the use of 'Slimlite' glazing with the existing profile is to be submitted for agreement in writing with the planning authority prior to commencement of the development. Glazing bars shall match the original glazing bars.
  
- (b) The non-original double doors to the rear return shall be removed and replaced with painted timber double doors, to match the original, full annotated details of which shall be submitted on 1:20 drawings to the planning authority for agreement prior to commencement of the development.
  
- (c) Full details of all ventilation and duct work, fire upgrading work and service runs with continuous routing being used as a means of prevention of leakage and damage to historic fabric in concealed areas. Details shall include associated necessary opening works to facilitate routes. The design and implementation of the servicing shall be carried out under the direction of a competent person with specialist expertise in servicing of historic buildings.
  
- (d) Methodology for repair and maintenance to the front door, surrounds, columns and fanlight, cleaning and repair of the flagstone floor, floorboard cleaning and repair, (Sanding is not permitted.) cleaning of all decorative plasterwork, repairs and maintenance works to roof lights and roof.
  
- (e) Methodology for removal of ivy and repair and maintenance of the boundary walls.

- (f) All existing original features, internal and external, shall be protected prior to and throughout the duration of the construction stage.
- (g) All works, shall be implemented and completed under the direction of the architect with specialist expertise in historic building conservation in accordance with best conservation practice. Repairs to fabric shall be carried out by specialist historic fabric conservators and craftsmen.

**Reason:** In the interest of clarity, and to ensure the protection of the historic fabric, character, integrity and special interest of the existing house at Number 8 Herbert Street, a protected structure and the special interests within its curtilage.

- 3. The serviced short stay tourist accommodation suites and studios are to be used as commercial short-term accommodation with a maximum letting period of two months and shall not be used as residential dwelling units for permanent occupation without a prior grant of permission for change of use.

**Reason:** In the interest of clarity.

- 4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Details of materials, colours and textures of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 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.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with, "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.



8. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities for each suite and studio 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 which 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.

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**Paul Hyde**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**