



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2558/18**

**Appeal** by Ronan Ryan and Sinead Healy care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 6<sup>th</sup> day of December, 2018 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing original three storey return and two storey modern extension to rear, construction of new three storey extension to the rear, refurbishment of lower ground floor level including: replacement of existing contemporary staircase and construction of new stud partition in kitchen, removal of column and beams in kitchen area, construction of new stud partition separating family room and hall, widening of existing door opening at rear to 3400 millimetres, associated electrical, plumbing and decorative works, insertion of new shower room over main staircase accessed via new stairs from top landing with new window to rear extension and demolition of existing lean-to car port to rear and construction of shed/car port at rear with roller shutters to lane and landscaping works to rear garden at 39 Upper Leeson Street, Donnybrook, Dublin (a Protected Structure).

## Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 2 so that it shall be as follows for the reasons set out.

2. The proposal shall be amended as follows, and shall comply with the following requirements:
  - (i) The three-storey element of the proposed rear extension shall be completed in accordance with the plans and particulars as lodged with the application on the 22<sup>nd</sup> day of March, 2018.
  - (ii) The proposed development shall be completed in accordance with the amendments to the openings at lower ground floor between the kitchen (R2) and the proposed new extension, the landscape plan for the rear garden and the revised details of the rear shed, submitted to the planning authority on the 9<sup>th</sup> day of November 2018, as a response to further Information item numbers 2, 3 and 4.
  - (iii) Breathable insulation materials such as cellulose, hemp and sheepswool shall only be permitted in the attic space.

- (iv) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the Protected Structure 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 façades structure and/or fabric.
- (v) All works to the Protected Structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. 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.
- (vi) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

**Reason:** To clarify the extent of the development and to ensure that the integrity of the protected structure is maintained and that the proposed works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

## **Reasons and Considerations**

It is considered that the proposed development, subject to compliance with the amended condition number 2 and the other conditions attached, would provide a high quality architectural and design intervention at the protected structure, would not seriously injure the architectural heritage of the overall property and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **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.

---

**Chris McGarry**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**