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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4191/18**

**Appeal** by Michael and Tina Moran care of AKM Design of Unit 4, Orchard Business Centre, 2009 Orchard Avenue, Citywest Business Campus, Dublin against the decision made on the 11<sup>th</sup> day of December, 2018 by Dublin City Council in relation to an application for permission for (i) external repairs/remedial work to comprise of essential repair and refurbishment to external wall finishes including the repointing of the front brick elevation with a lime mortar to include associated cleaning and repointing to granite detailing, re-rendering to the side elevation with a lime render, minor repairs to the rear elevation, minor repairs to the existing roof; and (ii) retention of an existing vehicular entrance (approximately 3.6 metres wide) with off-street parking to the front of the existing house and all associated site development works necessary to facilitate the development at 42 Morehampton Road (Protected Structure), Donnybrook, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for external repairs/remedial work to comprise of essential repair and refurbishment to external wall finishes including the repointing of the front brick elevation with a lime mortar to include associated cleaning and repointing to granite detailing, re-rendering to the side elevation with a lime render, minor repairs to the rear elevation, minor repairs to the existing roof;

and to refuse permission for retention of an existing vehicular entrance (approximately 3.6 metres wide) with off-street parking to the front of the existing house).

## **Decision**

**GRANT permission for external repairs/remedial work to comprise of essential repair and refurbishment to external wall finishes including the repointing of the front brick elevation with a lime mortar to include associated cleaning and repointing to granite detailing, re-rendering to the side elevation with a lime render, minor repairs to the rear elevation, minor repairs to the existing roof in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for retention of an existing vehicular entrance (approximately 3.6 metres wide) with off-street parking to the front of the existing house based on the reasons and considerations marked (2) under.**

## **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 (1)**

Having regard to the submitted conservation method statement and to the Protected Structure status of number 42 Morehampton Road in the Dublin City Development Plan, 2016-2022, the Board considered that, subject to compliance with the conditions set out below, the works for the purposes of essential repair and refurbishment to external finishes were acceptable and would ensure the conservation of the Protected Structure. This element of the proposed development 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 and by the further plans and particulars received by An Bord Pleanála on the 15<sup>th</sup> day of January, 2019, 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

3. (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.

## Reasons and Considerations (2)

1. It is the policy of the planning authority to retain on street parking facilities as far as is practicable, with scope for some loss to facilitate public transportation, public realm and new development requirements according to Policy MT14 of the Dublin City Development Plan, 2016-2022. Removal of on-street parking spaces available for use by all residents and other road users to construct a vehicular entrance for a private dwelling to facilitate an owner/occupiers' requirements for private parking in the front garden is contrary to this policy objective and would set undesirable precedent for further similar development. The retention of this element of the proposed development would, therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that this element of the proposed development has resulted in significant loss of historic fabric and interferes with the carefully designed relationship between site frontage and entrance and the main building which adversely affects the integrity and character of the protected structure and the streetscape. It is therefore contrary to sections 13.4.3 and 13.4.4 of Architectural Heritage Protection: Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in 2005); to sections 16.2.2.4 and section 16 10.18 the Dublin City Development Plan, 2016-2022 and to the proper planning and sustainable development of the area.

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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**