



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2312/19

Appeal by Tony Lako care of David Armstrong of The Basement, 41 Lower Baggot Street, Dublin against the decision made on the 17th day of April, 2019 by Dublin City Council to grant subject to conditions a permission to Temple Bar Cultural Trust DAC care of Paul Arnold Architects of 38 Lennox Street, Portobello, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of change of use of the basement from office to ancillary use, the first and second floors from office to short-term let residential use, and the third floor from residential to short-term let residential use; the carrying out of fire upgrade works to the existing building to include partition and floor upgrade, new lobbies at basement and ground floor level, relocation of basement stairs, installation of a fire suppression system and fire detection and alarm system with associated automated venting and sundry other related works, all at Number 25 Eustace Street, Temple Bar, 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 design and scale of the proposed development and, subject to compliance with the following conditions set out below, the development proposed for retention and the proposed development would be acceptable in the context of the visual amenities of the area, the amenities of adjoining properties, and would have no adverse impact on the character and setting of the existing protected structure on site, those on adjoining sites or the wider Architectural Conservation Area the site is located in. The development proposed for retention and the proposed development would be in accordance with the provisions of the current Dublin City Development Plan and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and 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.

3. The developer shall comply with the following Conservation requirements of the planning authority. In order to facilitate further assessment and understanding of the building which retains a significant amount of important early architectural fabric, and in order to ensure protection and conservation of the features of historic and architectural significance of the building, prior to commencement of works on site, the developer shall submit the following information for written agreement with the planning authority:

- (i) Detailed drawn record of all early historic fabric including identification of original and historic lath and plaster ceilings, timber panelling, staircase elements, floorboards, original doors and door cases, fireplaces and later twentieth century fabric.
- (ii) Detailed specifications and conservation method statement for how the proposed works and repairs shall be carried out, all in accordance with good conservation practice.
- (iii) Detailed sections at a scale of 1:10 of the proposed new interventions including new wall partitions, showing clearly all junctions between the new partitions and the extant historic building; details of the proposed fire upgrading work to extant historic wall partitions; details of the proposed fire upgrading work required to extant historic doors, details of new doors within historic fabric, details of how existing opes will be closed off.
- (iv) Detailed drawings that co-ordinate any proposed structural intervention, services installation and general upgrading and repair works to the fabric of the Protected Structure, including details of any further electrical items that are required in order to comply with building control and means of escape.
- (v) Details of proposed automatic opening mechanism to window(s) for smoke extract.
- (vi) Details of the new roof vent.
- (vii) Details of the new staircase.

Reason: In the interest of orderly development, to safeguard architectural interest of the protected structure, and that the proposed repair works are carried out in best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

4. (a) A grade 1 or 2 Conservation Architect 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 façades 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.

5. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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.

6. The developer shall comply with the following requirements:
 - (a) If, during the course of site works and construction archaeological material is discovered, the planning authority should be notified immediately.
 - (b) In the event of an archaeological find on site, the planning authority shall determine the further archaeological resolution of the site.
 - (c) If, however, no archaeological remains are encountered, then no further archaeological mitigation will be required.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

7. The proposed residential unit shall be let as a single unit, and shall not be subdivided, without a separate grant of planning permission

Reason: To limit the nature of the development to that sought, in the interest of clarity.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.