



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2094/19

Appeal by Katy McGuinness and Felim Dunne of 6 Herbert Street, Dublin against the decision made on the 12th day of June, 2019 by Dublin City Council to grant subject to conditions a permission to College of Psychiatrists of Ireland care of Neil Crimmins of The Courtyard, 40 Main Street, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: External repairs and alterations including replacement of non-original windows and doors and internal alterations at 5 Herbert Street, Dublin (a Protected Structure), and associated landscape works and change of use of mews building (5 Herbert Lane) from a mechanics garage to office use, external and internal alterations including insertion of rooflights and raising the roof and wall to Herbert Lane and provision of a mezzanine floor, all at 5 Herbert Street and 5 Herbert Lane, Dublin.

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 Number 5 Herbert Street, a Protected Structure, within an area subject to the zoning objective Z8 - 'to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with conservation objective', to the location of Number 5 Herbert Lane which is within the curtilage of Number 5 Herbert Street but in an area subject to the zoning objective Z1 - 'to protect, provide and improve residential amenities' as set out in the Dublin City Development Plan 2016-2022, and to the provisions set out in Section 14.6 of the current development plan providing for consideration, on their own merits of proposals for extensions and improvements accommodating non-conforming uses, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of properties in the vicinity on Herbert Lane, and would not

adversely affect the historic fabric, integrity and character of Number 5 Herbert Street, a Protected Structure, including features of special interest within the curtilage. 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, as amended by the further plans and particulars submitted on the 16th day of May, 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. 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 as set out in the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of the Arts, Heritage and the Gaeltacht in 2011, and who, prior to commencement of the development, shall submit and agree in writing with the planning authority the following requirements:

- (a) 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.
- (b) Methodology for cleaning and removal of ivy and other vegetation, refurbishment, repair and maintenance of all external and internal fabric, fixtures, fittings and features.
- (c) All existing original features, internal and external, shall be protected prior to, and throughout the duration of the construction stage.
- (d) All works shall be implemented and completed under the direction of an 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 5 Herbert Street, a Protected Structure, and all historic features of the special interest within its curtilage.

4. 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. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. Details of materials, colours and textures of all external finishes, including the provision of samples for the proposed new roof for the mews at Number 5 Herbert Lane shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. 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.

8. 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 the “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.

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

Dated this day of 2019