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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2878/19**

**Appeal** by the Mountjoy Square Society care of Garrett Fennell of 25 Mountjoy Square, Dublin against the decision made on the 22<sup>nd</sup> day of August, 2019 by Dublin City Council to grant subject to conditions a permission to Yan Chen and Gou Wang Zhou care of Denis Byrne Architects and Fine Balance Architecture of 26 North Great George's Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Alterations, repair and change of use of an existing four-storey over basement terrace house from single dwelling to five number apartments consisting of two number one bed basement/entry level duplex units and three number two bed units, one at each of the three upper floors. Removal of existing and insertion of new stairs from basement to ground level as well as from second to third floor and replacement of roof over. Formation of a new access point through the railings and steps to basement area at the front, new external steps and revised area at basement at the rear of house. New access steps to the common rear garden. Formation of bike shed/bin store and revised layout of existing pedestrian gates to the rear laneway, all at 16 Mountjoy Square (Protected Structure), 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 zoning objective for the site, the provisions of the Dublin City Development Plan 2016-2022 and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate development at this location, would be acceptable in design, form and scale and would not adversely impact on the character or setting of the Protected Structure. 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 26<sup>th</sup> day of July 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. (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 façades structure and 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 reinstatement.

- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balustrades (where indicated for retention), handrails and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

3. Details concerning –

- (i) the new partitions and revised door openings on the stairway landings,
- (ii) the new staircases between the duplex units at basement and ground floor levels, and
- (iii) the enclosure around the steps from the rear return to the rear basement unit,

shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that the integrity of the historic structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

- 4. Details of the roofing materials and rainwater goods of the bin and bicycle stores, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to protect the character of the Protected Structure.

5. (a) All material to be removed from the property, such as the extant staircases at basement level and at attic level, shall be recorded by way of a photographic survey and drawn documentation.
- (b) Full repair and reinstatement schedules (condition surveys, specifications and methodologies), shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the preservation of an accurate record of items of architectural heritage value and in order to protect the character of the protected structure.

6. 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.

7. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

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

8. The five apartments hereby permitted shall be used solely as permanent residential units and shall not be used for short-term letting without a prior grant of permission.

**Reason:** In the interest of orderly development.

9. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, 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.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable materials for each apartment unit 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.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**