



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 0354/19

WHEREAS questions have arisen as to whether:

1. the refurbishment of the four existing windows to the front of the house at the main entrance (ground floor) level and the first-floor level,
2. the refurbishment of the three existing windows to the rear of the house at the main entrance (ground floor) level and the first floor and attic levels, including repairs and/or renewal of the patent reveals,
3. the fitting of draught restricting weather seals to the windows described in numbers 1 and 2 above to improve comfort, thermal performance and reduce energy consumption,
4. the fitting of restrictors to the windows described in numbers 1 and 2 above to improve safety, and

5. re-landscaping the front garden, without making any changes or works to the existing railings, to provide a gently sloping path to the lower ground level for baby buggies and bicycles,

at 5 Dartmouth Square, Dublin, a Protected Structure, are or are not development or are or are not exempted development:

AND WHEREAS Conor Power and Loraine Mulligan care of Steven Phillips of Number 8 Studio, Torytops, Ballinteer Road, Dublin requested a declaration on these questions from Dublin City Council and the Council issued a declaration on the 25th day of October, 2019 stating that:

1. the refurbishment of the four existing windows to the front of the house at the main entrance (ground floor) level and the first-floor level,
2. the refurbishment of the three existing windows to the rear of the house at the main entrance (ground floor) level and the first floor and attic levels, including repairs and/or renewal of the patent reveals,
3. the fitting of draught restricting weather seals to the windows described in numbers 1 and 2 above to improve comfort, thermal performance and reduce energy consumption, and
4. the fitting of restrictors to the windows described in numbers 1 and 2 above to improve safety,

are development and are exempted development, and

5. re-landscaping the front garden, without making any changes or works to the existing raisings, to provide a gently sloping path to the lower ground level for baby buggies and bicycles,

is development and is not exempted development:

AND WHEREAS Conor Power and Loraine Mulligan of 5 Dartmouth Square, Dublin referred the declaration for review to An Bord Pleanála on the 13th day of November, 2019:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2(1), 3(1), 4(1)(h), 4(1)(j) and 57(1) of the Planning and Development Act, 2000, as amended, and
- (b) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended:

AND WHEREAS An Bord Pleanála has concluded that -

1. the refurbishment of the four existing windows to the front of the house at the main entrance (ground floor) level and the first-floor level,
2. the refurbishment of the three existing windows to the rear of the house at the main entrance (ground floor) level and the first floor and attic levels, including repairs and/or renewal of the patent reveals,

3. the fitting of draught restricting weather seals to the windows described in numbers 1 and 2 above to improve comfort, thermal performance and reduce energy consumption, and
4. the fitting of restrictors to the windows described in numbers 1 and 2 above to improve safety,

are works which are development and which would not materially affect the Protected Structure having regard to the provisions of sections 4(1)(h) and 57(1) of the Planning and Development Act, 2000, as amended, and

5. re-landscaping the front garden, without making any changes or works to the existing railings, to provide a gently sloping path to the lower ground level for baby buggies and bicycles,

is work which is development, which includes the construction, erection, or placing forward of the front wall of a house, of a structure or structures, and, therefore, does not come within the provisions of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, and which would materially affect the Protected Structure having regard to the provisions of sections 4(1)(h) and 57(1) of the Planning and Development Act, 2000, as amended:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that:

1. the refurbishment of the four existing windows to the front of the house at the main entrance (ground floor) level and the first-floor level,
2. the refurbishment of the three existing windows to the rear of the house at the main entrance (ground floor) level and the first floor and attic levels, including repairs and/or renewal of the patent reveals,
3. the fitting of draught restricting weather seals to the windows described in numbers 1 and 2 above to improve comfort, thermal performance and reduce energy consumption, and
4. the fitting of restrictors to the windows described in numbers 1 and 2 above to improve safety,

are development and are exempted development, and

5. re-landscaping the front garden, without making any changes or works to the existing railings, to provide a gently sloping path to the lower ground level for baby buggies and bicycles,

is development and is not exempted development,

all at 5 Dartmouth Square, Dublin, a Protected Structure.

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.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.