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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3274/19**

**Appeal** by Sayanview Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 5<sup>th</sup> day of December, 2019 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Change of use from offices to residential at basement, ground, first and second floor level to provide a total of eight number one-bed apartments to be provided as follows; 38 Blessington Street – four number one-bed apartments at basement, ground, first and second floor levels; 39 Blessington Street – four number one-bed apartments at basement, ground, first and second floor levels; with associated internal and external amendments to accommodate same including: the infilling of existing interconnections between 38 and 39 in order to revert the properties back to their original independent function; removal of rear basement window from number 38 to provide for a doorway; replacement of front basement window to number 39; provision of utility rooms within return areas of numbers 38 and 39; general restoration and refurbishment works to include; the restoration and repair of existing stairs and landings, the repairs of ceilings and walls,

upgrade and repair of plumbing, electrical and heating services, and plaster work, including the removal of non-original partitions and openings, removal of external security window bars, provision of new internal layout; and the repair/upgrade of existing doors and windows and make-good structures as required according to best conservation practice. Planning permission is also sought for the upgrading of the rear car parking area to provide permeable paving together with landscaping, bicycle parking spaces, refuse storage areas together with existing car parking spaces; and all associated site and engineering works necessary to facilitate the development at 38 and 39 Blessington Street, Dublin (Protected Structures), to two number three-storey over basement, mid-terrace buildings with two/three-storey rear returns.

## **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 provisions of the Dublin City Development Plan 2016-2022, the Z8 zoning objective, the existing pattern of development in the area, 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, including the positive design/layout amendments made with the appeal, would not seriously injure the integrity, character and setting of the Protected Structures and the visual and residential amenities of the Georgian Conservation area. The Board noted the significant loss of historical fabric arising from previous uses, the current vacant status of the properties and considered that the proposed development would deliver considerable conservation benefits which would prolong the life of the Protected Structures. 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 8<sup>th</sup> day of November 2019 and by the further plans and particulars received by An Bord Pleanála on the 10<sup>th</sup> day of January 2020, 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 buildings and facades structure and/or fabric.
- (b) Detailed proposals of all works to the protected structures, including works to the facades, internal repairs and provision of services, as well as works at basement level and consideration of adjoining buildings, shall be submitted to and agreed in writing with the planning authority and shall include, inter alia, proposals regarding pre and post construction condition surveys and structural surveys, detailed survey works, and comprehensive monitoring proposals.
- (c) All works to the protected structures 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.
- (d) 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.

- (e) All repair works to the rainwater goods, external wall render, window frames and sashes and front entrance external doors and door cases shall be carried out in accordance with the recommendations of the accompanying conservation report on 'a repair rather than replace basis' and matching 'like for like' materials.

**Reason:** To safeguard the special architectural interest of the protected structure and ensure that the integrity of the protected structures is maintained and the structures are protected from unnecessary damage or loss of fabric.

- 3 Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

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

- 4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground where possible. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

- 5 Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

- 6 (a) 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.
- (b) The plan shall include a detailed method statement to mitigate potential nuisance including noise and dust. The plan shall outline how it is proposed to prevent spillage or deposits of clay, rubble or other debris on adjoining roads during construction management measures and off-site disposal of construction/demolition waste. The plan shall also provide details of intended construction practice for the development including access and use of Blessington Street.

**Reason:** In the interests of sustainable waste management and to mitigate potential construction nuisance.

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**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

**Dated this            day of            2020**