



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3349/19

Appeal by Ed Madden of 18 Upper Leeson Street, Dublin against the decision made on the 7th day of January, 2020 by Dublin City Council to grant subject to conditions a permission to Esprit Investments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of: the change of use of the existing three storey former institutional building to residential use (1,110 square metres approximately) including the internal refurbishment and reconfiguration of the existing structure with revised internal layout to form 10 number apartment units (9 number bedroom units within the existing Molyneux Home building and with 1 number one bedroom unit within a re-configured adjoining outbuilding) with concierge facilities; the demolition of 14 square metres of substandard building fabric to be replaced with a two storey extension to the south-east of the existing building (12 square metres); the removal of two number existing late 20th century fire escape structures on the north-eastern and south-western façades of the building; the demolition of the existing caretakers bungalow to the south-east of the site (86 square metres); the provision of a new accessible entrance at lower ground floor level to the north-western façade of the building in the existing courtyard and the

replacement of an existing elevator within the foyer with a new glass elevator. The development also includes the repointing and repair of the existing external stonework; repair and refurbishment works to the roof, chimneys, rainwater goods and windows of the Protected Structure; the removal of guarding bars to windows at lower ground-floor level; the provision of 11 number residents surface car parking spaces (with one number mobility impaired space to be provided) and two number secure car parking barriers located to the west of the building; secure cycle parking facilities, garden and bin stores; changes in level; the provision of ground floor communal open space; landscaping and boundary treatments; attenuation tank; piped infrastructure (including a French drain) and ducting; removal of existing storage tanks to the south of the building; the removal of all existing surface car parking other than the proposed resident parking and all associated site excavation and development works above and below ground. No changes are proposed to the existing access arrangements to the site as a part of this development, all on a site of 0.27 hectare area approximately at The Molyneux Home, Leeson Park, Dublin (Protected Structure – RPS Reference 4348).

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 historic pattern of development in the area, to the plot configuration of the site and adjoining development, the arrangement of fenestration on the existing east facing façade of Molyneux House, the entire extent and distribution of which is to remain unaltered, the nature of the proposed change of use (from residential institutional use to multiple apartments for residential occupation), and to the extent and nature of demolition and construction works involved, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties, would not adversely affect the integrity and special architectural character of the existing building which is included on the record of protected structures, or the amenities and architectural character of the surrounding area. The proposed development would, therefore, be in accordance with Policy CHC 2 of the Dublin City Development Plan 2016-2022, which provides for ensuring that the special interest of protected structures is protected and the zoning objective “Z2” - to protect and/or improve the amenities of residential conservation areas” and 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 lodged with the planning authority on the 2nd day December, 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. Details of the materials, colours and textures of all the external finishes, including samples, to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

3. The following requirements of the Heritage Department – Conservation Section shall be strictly adhered to:

- (a) A professional with appropriate conservation expertise shall be employed to design, manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric.
- (b) All works shall be carried out in accordance with best conservation practice and the Department of the Environment Guidelines. The works shall retain the maximum amount of surviving historic fabric in-situ including structural elements 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 shall be protected during the course of refurbishment.
- (d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

4. The following requirements of the Transportation Planning Division shall be strictly adhered to:
- (a) One number car parking space shall be permanently allocated to each residential unit and numbered as such. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties.
 - (b) The bicycle compound shall provide for 10 number bicycle spaces and be secure with key/fob access and well lit. The design of the cycle parking shall allow both wheel and frame to be locked.
 - (c) A residential travel plan shall be prepared and submitted for the proposed development. The travel plan shall address the mobility requirements of future residents and shall promote the use of public transport, cycling and walking.
 - (d) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of the proper planning and sustainable development of the area.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. During construction and demolition stages, the proposed development shall be carried out in accordance with the standards set out in BS 5228: Noise Control on Construction and Open Sites Part 1: Code of Practice for basic information and procedure for noise control.

Reason: In the interests of clarity and residential amenity.

7. Hours of construction work shall be confined to 0700 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interest of residential amenities of surrounding properties and clarity.

8. Landscaping, planting and boundary treatment, and external communal amenity space provision shall be fully implemented within the first planting season following completion of construction.

Reason: In the interests of the visual amenities of the area and orderly and sustainable development.

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

Reason: In the interest of public health.

10. 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.

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

Dated this day of 2020.