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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3847/19**

**Appeal** by Luke Gardiner Limited care of MacEoin Architects of 19 Mountjoy Square, Dublin against the decision made on the 4<sup>th</sup> day February, 2020 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Planning permission for the following works at third and second floor levels: - relocating the present bathroom to the centre of the third floor apartment and providing a conservation rooflight thereto;- relocating the present kitchen to the front of the apartment thereby allowing its enlargement and fitting new storage units; reordering bedroom 1 and providing a new entrance thereto; re-ordering bedroom 2 and providing a single separate entrance thereto; taking down existing panelled doors for repair and reinstatement throughout; construction of hall storage unit; - Provision of storage units in bedrooms 1 and 2; provision of new sanitary and electrical services throughout; fitting new floor covering and decoration throughout; retention of 30 minute fire screen and glazed door at second floor landing, at 30 Mountjoy Square (a protected structure - RPS 5441), Dublin.

## Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND conditions numbers 1 and 2(b) so that they shall be as follows for the reasons set out.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 23<sup>rd</sup> day of August, 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 developer shall comply with the following requirements of the planning authority:
  - (a) a conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building 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 facades, structure and/or fabric,

- (b) the works shall be carried out generally in accordance with the floor plans as submitted on the 23<sup>rd</sup> day of August, 2019 with the application to the planning authority subject to the retention of the existing doorway (D2) to bedroom 1 (not the door) as an archway to the proposed storage/bedroom entrance lobby area. Revised plans together with a Conservation Method Statement shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, and
- (c) all works to the protected structure shall be carried out in accordance with best conservation practice and the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of the Arts, Heritage and the Gaeltacht in 2011. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair or storage off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.

**Reason:** To protect the fabric, character and historic floor plan of this protected structure.

## **Reasons and Considerations**

Having regard to the existing layout and use of this Georgian property which includes a two-bedroomed apartment with inner rooms on the top floor and which requires upgrading, it is considered that the modifications to the doorways and layout at this floor level to facilitate the continued use of a single apartment use are necessary and would not significantly detract from the overall architectural integrity or character of this protected structure and

would contribute to its ongoing partial residential use in keeping with the development plan objectives as set out in the current Development Plan for the area in relation to this Georgian Square. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **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.

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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.**