



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2926/20

Appeal by Savareen Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin against the decision made on the 19th day of August, 2020 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: (i) Retention permission for the removal of non-original stud partition walls, kitchenettes and bathroom ware; and (ii) permission for: (a) the reconfiguration of non-original internal walls to facilitate new kitchenettes and bathrooms in each flat; (b) reduction in number of flats from 10 to 9 number; installation of new and upgraded fire-rated internal doors in original style; installation of fireslabs under floorboards; and removal/replacement/reconfiguration of non-original fire-rated stud partition walls to each of the 9 number existing apartments and stair landing areas; (c) installation of upgraded services including electrics, plumbing, fire and burglar alarms, intercoms, CCTV and data/phone points; (d) repair and restoration of original features including window surrounds, painted timber shutter boxes, skirting and plasterwork; (e) replacement of all non-original windows with painted one over one double glazed sash windows; (f) making good of damaged walls, floorboards, fireplaces and plasterwork; (g) provision of gas boiler and hot water cylinder; and (h) all ancillary works necessary to facilitate

the development. The development does not result in any change to the floor area or footprint of the building. All at 97 North Circular Road, Dublin (which is a protected structure).

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 established use and condition of the property, the design, nature and scale of the proposed development and the pattern and character of development in the vicinity and to the policies of the Dublin City Development Plan 2016-2022, as well as national guidance including the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect on the character of this protected structure, would not detract from the character of the area, would provide an acceptable level of residential amenity for the future occupants, would not seriously injure the amenities of adjacent residential property, would not be prejudicial to public and environmental health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, 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. This permission does not authorise a material change of use of the property. No material change of use, including use as emergency homeless accommodation, shall be affected unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of clarity.

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

Reason: In the interest of public health and to ensure a proper standard of development.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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 the commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

6. (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 facades structure and/or 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 October, 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 must be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- (c) 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.

- (d) The installation of alarms, as well as any other security or communication devices, shall be designed to protect the architectural integrity of the building.

- (e) Prior to the commencement of development, details of the procedures to be followed in respect of the above, including proposals with respect to work methodologies, services installation, doors, floors, ceilings and windows shall be submitted to, and agreed in writing with, the planning authority.

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

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2021.