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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4300/19**

**Appeal** by Seamus Cannon and Charles Hulgraine on behalf of the Friends of the Joyce Tower Society, Sandycove Point, Sandycove, County Dublin, and by Others against the decision made on the 8<sup>th</sup> day of October, 2020 by Dublin City Council to grant subject to conditions a permission to Fergus McCabe and Brian Stynes care of Brock McClure Consultants of 63 York Road, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (a) Refurbishment of the Protected Structure building with works to facade onto Usher's Island including repairs and repointing of brickwork, limestone front door surround, minor repairs, refurbishment and painting of ironwork to railings, doors and windows where necessary, installation of new insulation, joinery and mechanical services and installation of platform lift on front elevation; (b) change of use of vacant former visitor centre to hostel accommodation at ground to third floor comprising 56 number bedroom spaces in total including dining and amenity space at ground floor level, with a café (circa 82.6 square metres) at basement level; (c) demolition of non-original mid-20th century two-storey extension (circa 30 square metres) and construction of a replacement

contemporary extension (circa 68 square metres) over four floors comprising office space and bathroom facilities; (d) provision of four number cycle parking space and bin storage in rear basement yard and all ancillary site development works at 15 Usher's Island (Protected Structure), Dublin.

## **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 design, scale and configuration of the proposed development and the existing pattern of development in this city centre location, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with current Dublin City development plan policy, would not detract from the visual amenities of the area, or the character and setting of the protected structure on site, its cultural significance or the adjoining protected structures, and would be acceptable in the context of the amenities of adjoining properties. 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 to the planning authority on the 11<sup>th</sup> day of September, 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. The proposed hostel use shall be for tourist use on a short term basis only and shall be not be used for any other purpose without a prior grant of planning permission.

**Reason** In the interest of clarity.

3. The developer shall submit to and agree in writing with the planning authority the following details prior to commencement of development -
  - (a) Detailed drawings indicating all proposed repairs to wall and ceiling plaster and cornices, historic timber floorboards, historic joinery including skirtings, dado rails, windows, shutters and linings, chimney breast and any surviving fittings, front entrance door and fanlight, and all making good where services are removed or

installed through historic fabric. Refurbishment and reinstatement of stored historic fabric within the repair works where possible.

- (b) Detailed drawings and door schedule for historic and new doors to all door openings within the building, including architraves.
- (c) Structural details indicating the proposed method for the repair of joists as illustrated that will ensure avoidance of any damage to surviving lath and plaster ceilings. Further refinement of details submitted are required for the proposed strengthening of the front entrance steps from below to reduce the visual impact of the concrete lintels.
- (d) Detailed drawings of the proposed interventions to the principal staircase, and to the staircases to the basement and third floor level.
- (e) Detailed drawings of the proposed chair lift.
- (f) Detailed drawings of privacy screens and associated structural details avoiding any damage of historic floorboards or lath and plaster ceilings.
- (g) Details and methodology for fire upgrading works, ensuring avoidance of damage to historic ceilings and historic timber floorboards, details of upgrading to historic partitions.
- (h) Details of new window which will act as an AOV (automatic opening vent) on the rear elevation third floor.

- (i) Mechanical and electrical services – provision of details of all new socket outlets, light switches, light fittings (including emergency fittings and escape lighting) and their locations, electrical heaters and associated wiring, misting system, and smoke detection units.
- (j) Revised drawing omitting bicycle storage in the rear yard.
- (k) Detailed methodology for re-slating the roof in Bangor Blue slates (including suppliers' details), omitting reference to Spanish Slate.
- (l) Detailed drawings of the platform lift and all associated alteration and repair works to the historic railings.
- (m) Detailed drawings and methodology for the realignment, structural support and pointing of front entrance steps.

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

4. The developer shall comply with the following conservation requirements:

- (a) A Conservation Architect (RIAI Grade 1) shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the adjacent protected structures and their boundaries during the course of the works.

- (b) All works hereby approved shall be carried out in accordance with best conservation practice and with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011.

**Reason:** To ensure that the integrity of the adjacent protected structure is maintained and that all works are carried out in accordance with best conservation practice.

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 amenities of property in the vicinity.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

**Reason:** In the interest of visual amenity.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. 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, including traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and the amenities of the area.

9. 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.

**Reason:** In the interest of sustainable waste management.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.



**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Paul Hyde**

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

**Dated this            day of            2021.**