



Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0197

Appeal by Joanne Sheahan and Kilian Finane care of Rachel Carmody Design Limited of Cluster, 16/17 Suffolk Street, Dublin against the decision made on the 11th day of July, 2023 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development works to be retained consist of the conservation and refurbishment of the main three storey house and return, landscaping works and associated drainage. Retention is sought for the following: (A) the replacement front door, (B) the replacement rear door, (C) sash windows where the original window frames have been reinstated and new glazing installed, (D) heating and electrical upgrades throughout the property including the reinstatement of column style radiators throughout, (E) the careful restoration of the original fireplaces, flooring, joinery, skirting, cornicing, architraves and ceiling roses throughout the property, (F) a new structural opening between the two ground floor reception rooms, (G) a removed door ope to the ground floor reception room, (H) the removal of non-original stud partition walls to the upper levels to reinstate original, (I) the reinstatement of the handrail and balustrade along the upper landing, (J) the addition of two number en-suites to the master bedroom and guest bedroom,

along with associated studwork and door opes, (K) the location of a bathroom on the first floor of the return and associated stud work for same, (L) relocation of attic access hatch, (M) inclusion of a utility area under the stairs, careful removal of a non-original conservatory structure to the rear, (M) careful removal of a non-original dilapidated shed structure to the rear, (N) new vehicular access to the rear with new electronically opening timber gates and (O) new landscaping and patio to the rear, all at existing dwelling house, a protected structure, at 15 Idrone Terrace, Blackrock, County Dublin. Further public notices were received by the planning authority on the 16th day of June, 2023 as follows: The development works to be retained consist of the conservation and refurbishment of the main three storey house and return, landscaping works and associated drainage. Retention is sought for the following: (A) the replacement front door, (B) the replacement rear door, (C) sash windows where the original window frames have been reinstated and new glazing installed, (D) heating and electrical upgrades throughout the property including the reinstatement of column style radiators throughout, (E) the careful restoration of the original fireplaces, flooring, joinery, skirting, cornicing, architraves and ceiling roses throughout the property, (F) a new structural opening between the two ground floor reception rooms, (G) a removed door ope to the ground floor reception room, (H) the removal of non-original stud partition walls to the upper levels to reinstate original, (I) the reinstatement of the handrail and balustrade along the upper landing, (J) the addition of two number en-suites to the master bedroom and guest bedroom, along with associated studwork and door opes, (K) the location of a bathroom on the first floor of the return and associated stud work for same, (L) relocation of attic access hatch, (M) inclusion of a utility area under the stairs, careful removal of a non-original conservatory structure to the rear, (M) careful removal of a non-original dilapidated shed structure to the rear, (N) new vehicular access to the rear with new electronically opening timber gates and (O) new landscaping and patio to the rear, (P) new wooden fence along the party wall with number 14 Idrone Terrace, (Q) new wooden fence to screen to number 15 Idrone Terrace back garden and (R) height of existing block wall increased to align with new wooden screen to number Idrone Terrace.

Decision

Having regard to the nature of the condition 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 REMOVE condition number 3 and the reasons therefor.

Reasons and Considerations

1. The subject fence, whilst out of keeping with the architectural character of the dwelling, is not visible to any, other than the residents of the upper and lower ground floors of number 15. The special architectural interest of the building is not compromised, the rear elevation not being the principal elevation of note. The subject fence allows the principal open space at garden level to be actively used whilst providing a degree of privacy to the users of the lower ground level space.
2. The Board noted that part (iv) of Policy objective HER8 seeks 'to ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed' and would be appropriate in terms of the proposed scale, mass, height, density, layout, and materials. The subject fence is a minor element in a large Protected Structure, one that is not visible to the public and one that ensures the structure functions as a family home.

3. The Board were satisfied that the development proposed to be retained would not negatively impact the special character and appearance of the Protected Structure, would be of an appropriate scale, would retain the special character of the protected structure, would respect the historic fabric and the special interest of the interior, would not interfere with any important elements of the building and would be in accordance with the policies and objectives of the Architectural Heritage Guidelines. The Board were satisfied that the proposed development would, therefore, be in accordance with Policy Objective HER8 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.



Liam Bergin

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

Dated this 24th day of April 2024.