

An
Bord
Pleanála

Board Order ABP-317750-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3478/23

Appeal by Mountjoy Square Society care of Karin O'Flanagan, 54 Mountjoy Square West, Dublin against the decision made on the 13th day of July, 2023 by Dublin City Council to grant subject to conditions a permission to Lindmar Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for the following: at lower ground floor removal of non-original partition walls throughout and the reinstatement of original floor plans where possible. Conversion of kitchen at front room lower ground floor to bedroom and erection of stud walls to facilitate new bathrooms to serve two number bedrooms. A new ope will be created in the original wall to provide access to bathroom from front bedroom. Relocation of door to rear bedroom at lower ground floor. Replacement of non-original timber stairs with new timber stairs and placement of W.C. under stairs. Relocation of door to plant room by blocking existing ope and creating new external ope. Replacement of non-compliant external concrete stairs with compliant concrete stairs. At upper ground floor, the replacement of dining room door with unopenable traditional four panelled timber door in original style. Installation of kitchen units in dining room to create kitchen/dining room. Removal of non-original arch in hall and installation of two number fire doors. Reconfiguration of non-original partitions to rear extension to

provide wheelchair accessible bedroom with kitchenette and bathroom. Non-original floor structure to be replaced above lower ground floor boiler room. Removal of window on rear return. At first floor, the removal of non-original partition walls throughout to reinstate original floor plans where possible. Relocation of bathroom to rear bedroom and creation of fire lobby. Closing of existing ope into front bedroom and creation of new ope. At second floor, the reconfiguration of non-original partition walls through to reinstate original floor plans where possible and create fire lobby for front bedroom. At third floor, the reconfiguration of non-original partition walls through to reinstate original floor plans where possible and create fire lobby for stairwell. Closing of existing ope into front bedroom and creation of new ope. Removal of non-original timber glazed door and replacement with window at roof level, the replacement of existing roof light over stair with one square metre of glazed automatic opening vents and installation of three number pop-ups at roof level to provide ventilations to WCs below. Replacement of all non-original windows on front facade with traditional sliding timber sash windows and all windows on rear facade with like-for-like. All non-original internal doors to be replaced by traditional timber panelled doors at hall and flush elsewhere and non-original floor to be replaced by timber flooring where required. Fire upgrade of floors. Installation of upgraded services, including electrics, plumbing, fire and burglar alarms, intercoms, CCTV and data/phone points. Repair and restoration of original features, including window surrounds, painted timber shutter boxes, skirting and plasterwork. Making good of damaged walls, floorboards, fireplaces and plasterwork. Provision of gas boiler and hot water cylinder. Removal of obsolete fire escape stair to rear. Repainting of render and cills on front facade and front wall and railings. Removal of cast iron hopper and downpipe. Replacement of non-original front door repainting of door case. All ancillary works necessary to facilitate the development, all at 13 Gardiner Street Upper, Dublin (a protected structure).



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.

Reasons and Considerations

Having regard to:

- (a) the zoning of the site under Z8 (Georgian Conservation Area) with the objective 'To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective',
- (b) the planning policies and objectives set out under the Dublin City Development Plan 2022-2028,
- (c) the nature and design of the proposed alterations, with consideration of the protected structure status of the property (RPS number 3101), and
- (d) the existing pattern of development in the vicinity, with consideration of the conservation status of the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously, or disproportionately, injure the amenities of the area or of property in the vicinity, would otherwise be sensitive to the protected structure status of the property and conservation status of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The proposed 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 received by the planning authority on the 16th day of June, 2023, 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, or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The following requirements of the planning authority's Conservation Section shall be fully complied with:
 - (a) The developer shall submit the following architectural conservation details/revisions for the written agreement of the planning authority prior to commencement of development:
 - (i) Revised 1:20 drawings of the proposed windows to all elevations demonstrating a finish appropriate to the structure's early nineteenth-century date.
 - (ii) Confirmation of the proposed paving to the rear garden.
 - (iii) A drawn survey at a scale of 1:50 accompanied by a photographic record of the historic rear boundary walls and a detailed schedule of repair and reinstatement works to the original walls shall be provided in advance of works commencing. A method statement for the raking out and re-pointing of the stonework and associated repair details shall also be provided.



- (b) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the proposed works 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 fabric and the curtilage of the protected structure.
- (c) The proposed development shall be carried out in accordance with the following:
- (i) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
 - (ii) All existing original features in the vicinity of the proposed works shall be protected during the course of the refurbishment works.
 - (iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
 - (iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the amenity, setting and curtilage of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. Prior to the demolition of any structures on site, an asbestos survey of the buildings to be demolished shall be carried out. The proposed methodology for the removal of asbestos materials and monitoring of air quality shall be submitted for the written agreement of the planning authority.

Reason: To ensure a satisfactory standard of development.

4. The construction of the proposed 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 proposed development, including noise management measures and off-site disposal of construction/demolition waste.

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

5. Site development and building works (including the demolition phase) 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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

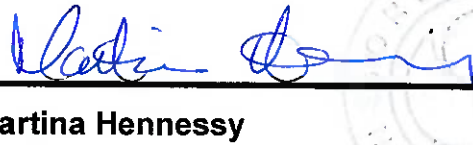
Reason: In order to safeguard the residential amenities of property in the vicinity.

6. Site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

7. 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 and surface water management.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 5th day of April 2024.