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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4188/23**

**Appeal** by Paul O'Reilly on behalf of Burlington Dental Clinic care of Kavanagh and Associates of Main Street, Newbridge, County Kildare against the decision made on the 13<sup>th</sup> day of September, 2023 by Dublin City Council to refuse for development comprising the retention of (a) single storey waiting room extension at lower ground floor at the side of existing building, (b) metal frame covered shelter also located at lower ground floor at the side of existing building, (c) connection to existing mains services on-site and all associated development works, at Burlington Dental Clinic, 16 Burlington Road, Ballsbridge, Dublin. The subject building is listed as a Protected Structure the Dublin City Council Development Plan 2022-2028 (Record of Protected Structure Number 1028).

**Decision**

**GRANT** permission for retention of a single storey waiting room extension at lower ground floor at the side of existing building, and the connection to existing mains services on-site and all associated development works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for metal frame covered shelter also located at lower ground floor at the side of existing building based on the reasons and considerations marked (2) under.

## Reasons and Considerations (1)

Having regard to the scale, siting and simple design of the waiting room extension, it is considered that, subject to compliance with the conditions set out below, the retention of the proposed development would not negatively impact on the character and setting of the protected structure and would be in accordance with the Dublin City Development Plan 2022-2028 and the Architectural Heritage Protection, Guidelines for Planning Authorities. The retention of this element of 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 retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The design and materials of the roof shall be modified and shall use lead or zinc roof materials. Details of the design and materials shall be submitted to, and agreed in writing, with the planning authority prior to commencement of the works. Such works shall be completed six months from the date of this order or within such period as may be agreed with the planning authority.

**Reason:** In the interest of clarity.

3. All works to the structures shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of the structures and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. Water supply and 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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 residential amenities of property in the vicinity.

6. This permission does not include any existing plant, cabling and equipment located between the waiting room extension to be retained and the screen wall to the north, which are affixed to the fabric of the protected structure.

**Reason:** In the interest of clarity as such plant and equipment is not described on the plans and drawings accompanying the planning application.

7. 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 within three months of the date of this Order 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.

## **Reasons and Considerations (2)**

Having regard to the Protected Structure status of this building, it is considered that the retention of the shelter, by virtue of the quality of materials, design, layout and relationship with the existing Protected Structure, would have a detrimental impact on the character and setting of the Protected Structure and would be contrary to Policy Objective BHA2 (development of Protected Structures), of the Dublin City Development Plan 2022-2028. This element of development proposed for retention is, therefore, contrary to the proper planning and sustainable development of the area.

  
Stewart Logan

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

Dated this 1<sup>st</sup> day of August 2024.