

An  
Bord  
Pleanála

## Board Order ABP-319729-24

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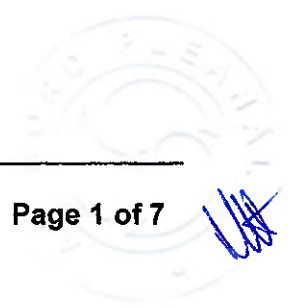
### Planning and Development Acts 2000 to 2022

**Planning Authority:** Dublin City Council

**Planning Register Reference Number:** 3345/24

**Appeal** by Philip O'Reilly of 68 Gandon Close, Harold's Cross, Dublin against the decision made on the 1<sup>st</sup> day of May, 2024 by Dublin City Council to grant subject to conditions a permission to Royal Irish Academy of Music care of Lawrence and Long Architects of 13 Fitzwilliam Square East, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Provision of a new room/extension (19 square metres) at roof level, which is set back 4.6 metres from the front façade, to be used as a music room/living space for the students of the student residence currently under construction in accordance with planning register reference number 4085/22. This new room will involve retaining the existing triangular gable and the existing front roof pile to Fenian Street, the removal of the rear roof pile (non-original) to facilitate the new extension/room, the provision of a new stairs to serve the proposed roof extension and all associated works, including associated fireproofing to facilitate the proposed development, all at 38 Fenian Street, Dublin (a protected structure RPS reference 8743).



## **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 the provisions of the Dublin City Development Plan 2022-2028, including the Z8 Georgian Conservation Area zoning, the nature, form, scale and design of the proposed extension, and the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would not detract from the architectural heritage of the area, and would be in accordance with Policies BHA2, BHA9 and BHA11 of the development plan. The proposed development 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, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a detailed method statement covering all works proposed to be carried out, including:
  - (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,
  - (b) a methodology for the recording and/or retention of concealed features or fabric exposed during the works, and
  - (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement.

Details shall be accompanied by drawings of an appropriate scale in respect of the following architectural conservation details:

- (i) Confirmation of the extent of structural works required at third-floor level to support the new structure. A methodology, cross-referenced to drawings, as required, for the structural interventions shall be provided.

- (ii) 1:20 drawings of the proposed glazing to the south elevation of the extension. The proposed glazing bars shall be as slender as possible.
- (iii) 1:20 drawing of the proposed stairs from the third floor to the extension. The proposed new stairs shall be complimentary to the historic stairs.

**Reason:** In the interest of the protection of architectural heritage.

3. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority confirmation that:
- (a) the proposed development will be monitored by a suitably qualified architect with conservation expertise and accreditation, and
  - (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

**Reason:** In the interest of the protection of architectural heritage.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

6. Site development and building works shall be carried out 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.

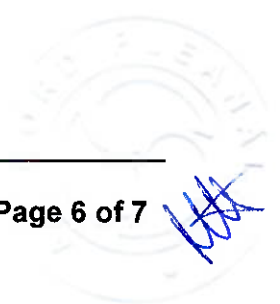
**Reason:** To safeguard the amenities of property in the vicinity.

7. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.

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

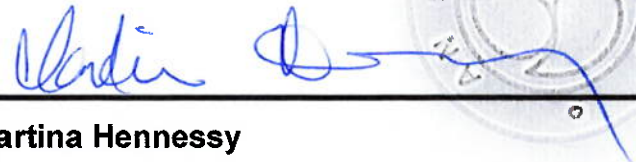
8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



9. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



**Martina Hennessy**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**

Dated this *9<sup>th</sup>* day of *December* 2024.