



An  
Bord  
Pleanála

## Inspector's Report PL29N. 249379

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<b>Development</b>	Alterations to protected structure and the construction of offices in two new wings
<b>Location</b>	Aldborough House, Portland Row, Dublin 1
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3457/17
<b>Applicant</b>	Reliance Investments Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Parties
<b>Appellants</b>	<ol style="list-style-type: none"><li>1. The Irish Georgian Society</li><li>2. An Taisce</li></ol>
<b>Observers</b>	<ol style="list-style-type: none"><li>1. Magdalena Kubat</li><li>2. Inner City Organisations Network</li><li>3. Mel MacGiobúin</li></ol>
<b>Date of Site Inspection</b>	23 <sup>rd</sup> January 2018
<b>Inspector</b>	Stephen J. O'Sullivan

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## 1.0 Site Location and Description

1.1. The site has a stated area of 4,840m<sup>2</sup> and lies in the north east inner city of Dublin. It consists of the curtilage of Aldborough House, a protected structure with a stated floor area of 2,170m<sup>2</sup>. The structure was built as an aristocratic townhouse in the 1790s, but was used by the army for much of the 19<sup>th</sup> century and then by the Post Office. It has been vacant since 1999 when it was sold by Telecom Éireann. The main house has three storeys over basement, with an exceptionally high *piano nobile* of over 6m. The floor plans generally consist of 6 rooms around a central staircase, with various service rooms in the basement. The front elevation is classical in form and finished in stone. The side and rear elevations are brick, with bows on the south side and the back of the house. Curved, single storey wings emerge from either side of the front of the house. The one to the south links to a theatre. A corresponding chapel on the north side has been removed. A guardhouse stands in front of the house beside the gate from Portland Row, which was apparently erected in the 1860s when the house was a barracks. The attendant grounds have been tarmacked. The site has also has street frontage onto Killarney Street and Empress Place, with most of the boundary marked by a high stone wall. The site lies beside Five Lamps, a prominent junction on the main approach to the city from the north-east. The back of the site abuts the curtilage of Killarney Court, a block of flats that was built in the 1940s on the former gardens of Aldborough House. It is in the form of a perimeter block. Two-storey terraced houses from the 19<sup>th</sup> century stand on the other side of Killarney Street and Portland Row, with contemporary 3-storey houses on the other side of Empress Place. Two modern 6-storey buildings stand on the adjacent corners at Five Lamps, one occupied by offices and the other mainly residential.

## 2.0 Proposed Development

2.1. It is proposed to demolish the theatre wing, guardhouse and the boundary wall along the street, to restore the rest of the protected structure and to build two new blocks on each side providing additional floorspace of 12,550m<sup>2</sup>. The resulting total floorspace on the site would be 14,720m<sup>2</sup> to be used as offices. The new development would contain two basement levels under most of the site apart from

that directly beneath the house. The lower one would contain 36 car parking spaces accessed by vehicular lift. The upper basement would contain 156 bicycle parking spaces, but otherwise would be mainly office accommodation. The ground floor level of the new buildings would be equivalent to the basement of the house, and new office accommodation would extend across the site at the back of the house. To the front of the house a paved forecourt would be laid to Portland Row on either side of a new boundary railing. A bow-ended pavilion would be built at the end of curved wing in front of the house on the northern side. It would resemble the one on the southern side that would remain after the theatre to which it is attached was demolished. Five more storeys of offices would be contained in the two new blocks to the north and south of the house that would abut Empress Place and Killarney Street respectively. Their elevations onto Portland Row would be mainly finished glass, with brick panels appearing on the elevations facing the other streets and panels of reconstituted stone to the rear. The roof height of the proposed office blocks is set just below the parapet height of the house. A screened area for plant would be provided on the roof of each block. The plans submitted with the application showed mezzanines in the original house dividing its *piano nobile*, but the response to the appeal indicated that they could be omitted. Glazed links would be provided between the house and the office blocks on both sides with corridors providing access at each floor, requiring new openings to be inserted into the house. The applicant's response to the appeal indicated that the corridors on the upper floor could be omitted so that the links were more clearly set below the height of the house, if the board considered this necessary

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided to grant permission subject to 18 conditions.

Condition no. 3 required the payment of a contribution under the supplementary contribution scheme for the Luas C1 scheme.

Condition no. 4 required details of all materials on external finishes to be submitted and agreed with the planning authority.

Condition no. 5 stipulated that the extent of the mezzanines were reduced; that the works to the secondary staircase shall be revised; that the basement openings be revised; that a conservation methodology and specification for works to the house be agreed with the conservation officer; that a conservation architect be employed to manage works; that the works accord with the architectural heritage guidelines; and that schedules are agreed with respect to the making good of the exterior stonework and masonry, the repair of the windows, the making good of the main entrance steps, replacement details for the main staircase, and the repair of the historic plasterwork. A copy of a final report on the history structure shall be provided to the planning authority and the Irish Architectural Archives.

Condition no. 7 required agreement regarding the paving and planting along Portland Row.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The proposed office use is acceptable under the Z5 zoning of the site. The plot ratio of 2.0 and site coverage of 67% are below the indicative ranges for the Z5 zone set out in the plan, while the height is less than the specified maximum of 28m. The heights of buildings in the vicinity are quite varied. The massing and scale of the new wings would match that of the existing house and alter its setting, placing it in a reinterpreted streetscape of greater scale than currently exists. A sunlight and daylight analysis has been submitted that indicates compliance with the BRE guidance on the subject. It is considered that the development would not give rise to an unacceptable level of overshadowing. The proposed materials are acceptable. The advice from the council's conservation officer is repeated. The landscaping proposals are acceptable. The advice from the Road Planning Division is adopted. A grant of permission was recommended.

### **3.2.2. Other Technical Reports**

- The Conservation Officer advised that permission could be granted subject to conditions which are similar to those on the planning authority's decision. The officer states that she was party to pre-application discussions for an

appropriate conservation strategy of framing Aldborough House based on the interpretation of the evolution of the Georgian city with reference to Charlemont House that utilised flanking terraces to create an imposing frontage onto Parnell Square with the more recent glazed infill there a key reference. The current condition and past record of vandalism is a key consideration in determining an appropriate planning outcome. The demolitions including the perimeter wall and guardhouse provide a more accessible site and an improved presentation of the protected structure to the city. The removal of the theatre is unfortunate but it allows the remaking of a poorly modified wing and a symmetrical composition. The key area of removal and upgrade is the structural upgrading of defective stone in the primary staircase and front facade. The restoration of lost character is based on retaining and repairing historic fabric *in situ*. The applicant has provided exemplary information on the location and significance of primary fabric in the protected structure. The proposed office development has sufficient regard to the surviving significance and setting of the protected structure providing high quality amenity to key spaces and a new classical approach to the main façade. The new vertical circulation elements are set off the original footprint. They connect to less sensitive rooms and don't crowd the flanking screen walls. The proposed insertion of mezzanines at the second floor is achievable but should be modified in the front room spaces only and held off the main façade windows. Aldborough House is a culturally significant site to the north city and its recovery is a game changer and key regenerator for the area.

- The Road Planning Division noted that the car and bicycle parking were in line with development plan standards. It stated that the development was acceptable subject to conditions.

### 3.3. Prescribed Bodies

The **Department of Culture, Heritage and the Gaeltacht** welcomed the proposal to conserve and repair this highly significant protected structure and to reconstruct the north pavilion to re-establish symmetry. While some degree of enabling development may be necessary to provide a viable use, the height and density of the current proposal have the potential to negatively impact on the character and special

interest of the house. The new buildings would dominate the historic building and could compromise its architectural integrity, with the façade obscured from important views including those from Five Lamps and along Portland Row. The Department is concerned at the demolition of a theatre building which is a protected structure. It is not considered that exceptional circumstances exist for this as required under section 57(10) of the planning act. The department recommended that further information be sought regarding the new location and use of the guard house, proposals for statues stored at the Casino in Marino to be returned to the house and information on any salvaged elements that might be used in the development.

### **3.4. Third Party Observations**

Several submissions were received by the planning authority which raised concerns about the development similar to those raised in the subsequent appeals and observations to the board. Concern was also expressed that the car parking would be insufficient and that workers in the development would crowd out on-street parking by residents.

## **4.0 Planning History**

Reg. Ref. 5462/06 – the planning authority granted permission to convert the house to a medical centre. This permission was not implemented and has expired.

Reg. Ref. 4201/00 – the planning authority granted permission for the refurbishment and alteration of the house to accommodate the offices of the Irish Music Rights Organization. This permission was not implemented and has expired.

## **5.0 Policy Context**

### **5.1. Guidelines for Planning Authorities on Architectural Heritage Protection**

Section 13.5.2 of the guidelines states that where a formal relationship exists between a protected structure and its ancillary buildings or features, new construction which interrupts that relationship should rarely be permitted. Section 13.5.2 states that proposals are often made which combine works to a protected

structure to allow a new use with new development in its grounds. Where conservation works to a structure will be costly, a reasonable and considered approach should be taken which ensure that the structure is successfully conserved and the works satisfactorily completed.

## 5.2. Development Plan

The Dublin City Development Plan 2016-2022 applies. The site is zoned for city centre uses under objective Z5. Aldborough House is a protected structure. Policy SC7 is to protect and enhance important views and view corridors into, out of and within the city, and to protect existing landmarks and their prominence. Policy CHC 1 is to seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city. Policy CHC 2 is -

*to ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:*

*(a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest*

*(b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances*

*(c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials*

*(d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure*

*(e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works*

*(f) Have regard to ecological considerations for example, protection of species such as bats.*

*Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted*

### **5.3. Natural Heritage Designations**

None.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The appeal from the Irish Georgian Society can be summarised as follows-

- Aldborough House is a building of national architectural heritage importance, as recognised in the NIAH. While the society welcomes proposals for its refurbishment and restoration, it is of critical importance that development is informed by a comprehensive, objective and evidence based assessment of the house, its character and its cultural heritage; and that its scale complements that of the house and does not compromise its character and special interest.
- The conservation plan submitted with the application would seem to downplay the significance of the house without supporting evidence. The planning authority appears to have relied heavily on the information submitted in this regard by the applicant. The statement from its Conservation Officer that the applicant has provided exemplary information regarding the surviving significance is not accurate. An essay on the construction of the house published by the society which identifies the involvement of the Earl of Aldborough and the architect Richard Johnston, which was not acknowledged in the submitted conservation plan. The plan contains unsubstantiated statements that the house is relatively plain, mediocre and not a beautiful building. It fails to substantiate statements that the interior decoration was often purloined from catalogues or that the sculptural or bas-relief elements were moulded rather than handworked, or that the architectural quality of the house was the reason why residential use ceased. The plan fails to recognise

the contribution of the house to its urban context, where it is the key landmark on Portland Row. The proposed development will obscure the sides of the house as well as raking views of its front elevation along Portland Row and from the North Strand at Five Lamps.

- The society is concerned at the design approach, including the stated justification that there are numerous precedents for large historic houses being absorbed into the urban grain, including Belvedere House and Charlemont House. Neither provides a useful precedent as they were always intended to be flanked by four storey houses. Powerscourt and Iveagh Houses were flanked by smaller houses. The rear and side elevations of Aldborough House are highly visible and it is untrue to suggest that the architect would not have been aware of this. These brick facades cannot be regarded as entirely plain. There are shown on historic drawings as having open balustered parapets. The submitted conservation plan does appear to give adequate consideration to the architectural merits of these facades.
- The proposed development would increase the floorspace on the site by 550% from 2,679m<sup>2</sup> to 14,270m<sup>2</sup>. The society has grave concerns about the scale and intensity of the new development and the extent of internal alteration. The Department of Culture, Heritage and the Gaeltacht share these concerns, as stated in their submission to the planning authority. Consideration should be given to the omission of the proposed mezzanines in the first floor rooms, as the scale and height of those rooms is an essential characteristic of the house. The corridors linking the office blocks to the house at second floor level should be omitted to reduce the degree to which the former would subsume the latter. The proposed office blocks should be revised to reduce their impact on the character and setting of the protected structure so it would remain the dominant building in views of the site, particularly from Portland Row. At a minimum no part should rise above the parapet of the house, but consideration should be given to reducing the overall height of each of the blocks so that they do not appear overly dominant.

- A condition on any permission should require repairs to be undertaken to the main house to the satisfaction of the council's conservation officer before the commencement of other works on the site.

6.1.2. The grounds of the appeal from An Taisce can be summarised as follows-

- The scale, density and proximity of the proposed development within the curtilage of a protected structure fails to comply with policies CHC2 and SC7 of the development plan and the Guidelines for Planning Authorities on Architectural Heritage Protection. The development does not protect the architectural and cultural heritage of the city, the significance of the place, nor does it protect the fabric and setting of the nationally important Georgian townhouse.
- Aldborough House is Dublin's most important 'building at risk', and the last major Georgian townhouse in Dublin. It is second in size only to Leinster House. It was built on a grand scale and stands head and shoulder above the surrounding streetscape, with a giant *piano nobile* lending it extraordinarily tall proportions. The volume of the building with the granite main elevation and brick to the sides and rear, with distinctive bows, as seen on the approaches and views to the building from surrounding streets is a key part of the experience and identity of these streets and the setting of the house. While the repair of the fabric of the house and its upgrade for functional use is a prime need, the proposed development would constitute serious over-development and would result in a severe adverse impact on the protected structure.
- The submitted Design Statement and Conservation Plan contain exaggerations to suit the development. The setting of the house was not destroyed by the apartment block to the rear, which is subservient to it in terms of scale and design. The house does not have an uncomfortable relationship with the streets around it. It formally addresses Portland Row. The proposed office blocks would not restore a symmetrical composition to the front of the house. The submitted plan refers to other townhouses, but these have always had an actual or implied terrace setting, apart from Leinster House, and do not provide appropriate precedents. The submitted

plan fails to appreciate the beauty of the house and the retention of its setting at the front along Portland Row. The construction of the house involved the prominent architect Richard Johnston. The house's significance is: historical - as the last major Georgian townhouse before the Act of Union; architectural - through its neo-classical design in a Palladian idiom, bold elevational form and geometric floorplan; social – as the apogee of aristocratic ambition; as a landmark for Dublin city at the east of its Georgian core; and through its contribution to locality's architectural and history character in particular in the views along Portland Row, Killarney Street and from the Five Lamps. If the proposed development were appropriate then the submitted plan would not have to deprecate the importance of the house.

- The proposed development would engulf and emasculate Aldborough House with a severe adverse impact on its setting that would seriously conflict with policies CHC2 and SC7 of the development plan. The proposed development would largely obscure the bowed side and rear elevations of the house. It would destroy the relationship between the protected structure and its curtilage and its composition as a grand, stand-alone public historic building. The proposed demolition of the theatre wing would be contrary to statute, although the guardhouse is a separate issue. The proposal includes the demolition of other parts of the historic fabric, including the apparently Georgian boundary wall. The proposed development is in serious conflict with the Architectural Heritage Guidelines which place emphasis on the need to preserve the integrity of the setting of protected structures at immediate and longer ranges.
- The submitted photomontages do not capture the scale and impact of the proposed development and should be regarded with caution. In particular image of the front elevation from Portland Row whose cropping exaggerates its symmetry. The volume of the proposed development is more apparent from the elevational drawings.
- Repairing and securing the future of Aldborough House is an urgent need. Any new development there needs to be clearly subservient to the house and to retain its landmark presence and views of it from surrounding streetscapes. The submitted plans require significant revisions in this regard, including the

retention of the theatre wing. The article published by the Irish Georgian Society regarding the construction of the house is appended to the appeal.

## 6.2. Applicant Response

- The applicant's response comprised a report from its consultant planner and one from its architect. Its planner's report refers to various documents which it had previously submitted, including the Conservation Plan, Design Report and Planning Report, as well as to the report of the council's Conservation Officer on the application.
- The site is located within the North-East Inner City in an area that has been recognised as disadvantaged with a difficult urban environment in terms of attracting investment. The quality of the environment in the vicinity of Aldborough House is not on a level with other areas that have attracted more investment, including the IFSC, which effects the viability of new commercial projects. The Mulvey report states that it is imperative that the dereliction at Aldborough House is addressed and recommends that if the current proposals do not come to fruition then consideration should be given to external preservation and refurbishment as a heritage tourism centre with provision for local enterprise.
- The historical use of the house is reviewed, with a short period of residential use, than as an army barracks and subsequently by the post office, with the alienation of its grounds in the 1920s to provide social housing at Killarney Court, and to its vacancy since 1999. The applicant acquired the site in 2014, at which stage there had been considerable deterioration in the condition of the house after water ingress and vandalism. The applicant has expended considerable money seeking to secure the house for a new use. After feasibility studies the applicant has concluded that an office development of the proposed magnitude is the only viable way to provide for the long term use and generate sufficient funds for the conservation works for the house, which are estimated as costing €7-8m. It is envisaged that the proposed development would be used as a corporate headquarters.

- The site is close to the city centre and public transport facilities and would be a good location for sustainable urban development. The overall investment required for the proposed development is estimated at €35m, with accommodation for c1,000 workers. This would have a strong positive impact on the area and its environment, in accordance with government policy to address disadvantage there.
- In response to the appeal from the Irish Georgian Society, the applicant agrees with the expressed need to ensure the survival of the house. Very considerable damage and deterioration had occurred before the applicant acquired the house. The issues that the society raised with the submitted conservation report are largely ones of detail and interpretation. Revised drawings of the proposed development are submitted to address some of them which omit the mezzanines in the house and modify the glazed links with the office blocks. The proposed blocks do not exceed the parapet height of the house. It is not clear whether there was a balustrade on the house's parapet, and the installation of one now would be conjectural. A condition on the completion of the restoration works to the house should be tied to the occupation of the development, in order not to prejudice the programming as conservation works often give rise to unexpected delays.
- The appeal from An Taisce does not recognise the need for a significant scale of new development to enable the conservation of the house. The proposal is designed to achieve the restoration of the protected structure and as such would promote policies CHC1 of the development plan. The special interest of the house does not primarily reside in the quality of its architectural composition or the identity of the architect, but primarily in its historical and social origins as a last hurrah of the aristocracy in 18<sup>th</sup> century Dublin with all its virtues and faults. Some significance also lies in the local area context, which is related to its sheer scale compared to the nearby houses. Its current condition means its visual impact is mostly negative with little contribution to the social, economic or cultural life of the area. With regard to policy CHC2, the submitted architect's report sets out the basis of the design of the proposed development. It would give the house a new and invigorated setting that would reflect its classical origins and complement its special character,

but most importantly it would give the house a viable use. The service cores would be in the new blocks to reduce the level of intervention required in the house. It is unlikely that public funds would be made available at the level required for the restoration of the house and the protection of its special interest, so the development must carry this weight. The development is therefore a means by which the special character of the house would be preserved for future generations. The house is a local landmark, but it is not prominent in views and is not the focal point of any vista. The value of retaining the side elevations has been overstated in the appeal. The proposed development would give the house a designed setting and open up its front elevation to the street and would be a major improvement for this part of Dublin. The house does not included in any of the views protected in figure 4 of the development plan. Policy SC7 would support the proposed development. Section 13.8 of the architectural heritage guidelines is not directly relevant to the proposed development as it is on the curtilage of the protected structure. The density of the development is not excessive, with a plot ratio of 2.0 and site coverage of 67%. The proposal generally accords with the type of development envisaged at section 13.5.4 of the guidelines.

- The board and various planning authorities have permitted what might be termed enabling development at similar protected structures, including the houses at Powerscourt, Carton and Luttrellstown. The concept is recognised in the UK. The proposed development comes within it. The submitted conservation plan addressed the significance of the house in some detail. It is primarily as a place of social and historical note. Its architectural significance is not as strong as other houses of the Georgian era. It would be enhanced and protected by the proposed development. Every effort has been made to retain and reinstate the fabric of the house in the proposed design.
- The second part of the applicant's response is an architect's report. It states that elements of the original house have been demolished, including the north wing which contained a chapel.. The north link and theatre were crudely rebuilt in the 1980s. The proposed development would remove the boundary walls, guard house and much-altered theatre. The proposed offices will provide Grade A office space for a commercial headquarters. Apart from the

full restoration of the historic house the development will bring active street frontage and security to three sides of the site that address the public domain. Very few buildings in Ireland can justify preservation solely as architectural museums, and economic viability is a key conservation tenet. The integrity and conservation expertise of the architects are asserted. There is no question but that the house deserves to be preserved as an important historic building, but not to be revered and placed on a pedestal of architectural merit which it does not justify. The history of the house and various critiques of its are cited. The cultural significance of the house is more important for historical and social interest than for architectural or artistic interest. The preservation of the house and the faithful restoration of its principal façade are more important considerations than the preservation of its current, highly compromised setting. The scale of the house is an anomaly in the context of the artisan housing subsequently built around it. The front elevation is largely concealed behind the 1860s guard house. Most of the views towards the house are oblique and compromised by high boundary walls or the bulk of the former theatre. While the new wings will conceal much of the northern and southern sides of the house, this would be more than mitigated by the restoration and unveiling of the front façade. The development will have gaps to the north-west and south-west to reveal and from diagonal views to the rear and side facades.

- There is no clear hierarchy of buildings or spaces in the vicinity. The design approach aims to create an urban marker that reflects and ties the disparate scales together at the Five Lams junction. The side facades of the new blocks are a woven pattern mostly of brick. The interior glazed facades are conceived as a light counter balance between the street facades and the historic masonry of the house. The fully restored entrance and principal façade will be revealed for the first time in 150 years and will be a major improvement of the current setting. The successful addition of glazed links has been demonstrated at Charlemont House and Collins Barracks. The proposed links at Aldborough House are subservient, set back from the front façade and are little more than enclosed bridges that will be light and

transparent with minimal visual impact. The architectural qualities of the other surviving mansions in Dublin are not diminished by adjoining development.

- The neighbourhood of Aldborough House is in need of serious investment to stimulate regeneration. Failure to act and accept compromises will lead to the loss of the building. The current proposal contains no compromise on the preservation of the house, only to its setting. The project will create a large, vibrant commercial hub to enhance with site's historical significance while saving the structure from further decay and dereliction. The gain in social capital for the area justifies the scale of the enabling development.
- The development can be modified by the omission of the proposed mezzanines in the first floor of the house. The height of these rooms at 6.15m will make for an uncomfortable office environment and similar interventions were authorised under a previous permission. The second floor of the links could also be removed, although their purpose is to allow all lifts, toilets and principal service risers to be located in the wings rather than the historic house, and to provide alternative means of escape reducing the need for engineering interventions in the historic house. The roof lines of the new buildings is c100mm lower than the parapet of the house. The significance of the theatre block is minimal and it has a negative impact on the setting of the house, as does the boundary wall. Their retention would diminish the quality of the development and the resulting streetscape.
- The proposed development is based on scholarly and expert advice.

### 6.3. **Planning Authority Response**

The planning authority's response refers to its planner's report on the application

### 6.4. **Observations**

6.4.1. The observation from Magdalena Kubat, who lives at 19 Portland Row can be summarised as follows-

- The proposed development is inappropriate and wholly inconsistent with the conservation of Aldborough House and its setting as a prime protected

structure, and so is inconsistent with the proper planning and sustainable development of the area. The planning authority did not give adequate consideration to the submission made by the observer and its decision should be set aside, including the apparent considerations of inconvenience which can be seen to lie at its root. The observer's submission was appended. It states that the proposed development is on the curtilage of a protected structure and so the setting of the protected structure is central to any assessment of appropriateness in the context of the cultural significance of the relevant place within the extended statutory meaning of status. The proposed development is wholly contrary to both the spirit and the letter of the statutory status afforded to Aldborough House under section 51 of the planning act and in the protection of the public interest should be disallowed on this basis. The conservation of any protected structure presumes sustainability to an appropriate use but is not predicated on economic use in terms of maximum return. The inclusion of a structure on the RPS presumes that sustainability and future use were considered.

- The long term reinstatement of the curtilage should be the conservation objective, tailoring an appropriate use to the building in its proper urban setting. However should the board decide to allow development for commercial use, its density and height should be reduced to a proportionate volume giving precedence to the house, rather than allowing its emasculation by commercial absorption as now proposed.
- The purchasers of the property should have been aware of their duties under section 58 of the planning act and its consequences. The board should have regard to the powers of the planning authority to require proper maintenance of protected structures, so that it would not be appropriate to sacrifice proper conservation considerations to economic convenience.

6.4.2. The observation from the Inner City Organizations Network can be summarised as follows-

- ICON is a community network based in the north east inner city. It has a particular interest in Aldborough House as an iconic building with potential for

mixed use involving community, arts and culture, as was stated in the Mulvey report on the north inner city. The grounds of the third party appeals are supported. The proposed development would have a severe overbearing glass box effect that takes away from the Georgian setting of the main building. It would dominate the original fabric and the removal of the theatre is unacceptable. The mono use is a grave disappointment. The density of the proposed office development is excessive and not in keeping with the form and siting of the protected structure. Residential amenity will be impacted by lack of noise, light and an increase in traffic in a busy inner city area. The construction phase will significantly impact on the quality of life of local residents. Other developments in the area have reaped some form of benefit including local educational scholarship schemes or community amenities. A number of units in Killarney Court will suffer significant damage to their residential amenity according to the submitted light study. Killarney Court is a settled voluntary housing complex with a senior citizen element. It would be unacceptable to damage this group's residential amenity for an overblown office block. Construction would be likely to employ specialised workers for conservation and then rapid glazing, which would undermine the benefit of the local labour clause.

- The history of the house is reviewed.

6.4.3. The observation from Mel MacGiobúin can be summarised as follows-

- The observer lives and works nearby and regrets the disrepair of the house. The inscription *Rus in Urbe* on the edifice highlights the need for a sensitive regeneration of this part of the inner city, with the concept seeking to create the bucolic atmospheric surrounds within an urban density which this Georgian mansion, last of its kind built in Dublin city, should be retained and enhanced. The current plans of excessive quantum of over-development for a mono-use office function surrounding the house with characterless wraparound office blocks are anathema to the *Rus in Urbe* concept of the late 18<sup>th</sup> century and to what many think is required in modern European urban developments. They do not comply with the Mulvey report which envisaged a cultural centre in the building. The office development would exacerbate traffic in the area. The residential community will face serious overshadowing

and disruption during construction. Residential buildings on Portland Row and Killarney Street will be affected. Insufficient consultation has taken place.

## 6.5. Further Responses

6.5.1. The applicant's response to the appeal was circulated for comment. The further responses can be summarised as follows-

- The planning authority stated that it had no further comment.
- The Irish Georgian Society welcomed the revised proposals to omit the mezzanines from the house and reduce the massing of the link structures with the proposed office blocks. However it continues to have serious concerns about the scale of the proposed blocks. If the board were minded to grant permission, the size of those offices blocks should be reduced to ensure that they are subsidiary in scale to the protected structure.
- Magdalena Kubat submitted that the revisions are a nominal amendment and the proposed development remains a gross overdevelopment that would not comply with conservation principles including those set out in the Venice and Burra charters. The applicant's response the appeals was wrong to claim that the development was justified by the incongruity of the house's setting, economic viability, the circumstances of its purchase, the views of architectural historians, the fashionability of the house at the time of its construction, the role of a peer in its construction or the prominence of an architect. The building is a protected structure and remains in the public interest as a significant part of Irish urban and architectural history. The mass of the new development is disproportionate to its setting, which is not consistent with article 6 of the Venice Charter. The observer does not accept the applicant's position as to the sensitivity of the design. The house was not designed to be part of a street and the council ought to conserve a stand-alone setting. If the board does decide to grant permission the height and mass of the office blocks should be restricted to ensure the predominance of Aldborough House as the essential focus and prime factor of any such subordinated development by virtue of which the objective of its status may, in the public interest, be achieved.

- The Inner City Organisations Network stated that it had not changed its opinion. The importance given to the architecture of the building has been underestimated, as has the effect on the residents of Killarney Court.
- Mel MacGiobúin states that the applicant is inviting others to compromise in terms of space use and any sense of meaningful engagement before or after completion. It is far from including the unique characters of architectural design or social and cultural history or a shining example of ‘a sustained and comprehensive regeneration of the north inner city community’. The significance of the house and its potential to play a landmark setting for the community, as aspired to the Mulvey report, is given scant reference. The suggested alterations to the proposal are minimal and pay lip-service to the conservation of the house and its setting. The distinct original wings will be lost with only the façade and suggestion of the original design remaining. There is little sense or suggestion of engagement with the adjacent social structures at a community or statutory level. A good starting point would have been the Programme Implementation Board. Seven storey blocks would have an excessive volume and the absence of a rear elevation is a grave omission. Photos of the rear of the building are submitted. In relation to the traffic, the staffing levels in the building have not been properly adduced. They could be as much as 3,000. This would obviously have an impact on those who work and live in the area. The development would only have minimal alignment with the development plan which seeks a more mixed use development when the current proposal is a mono-use office use leaving considerable idleness outside working hours. The proposal is made in the absence of any extensive masterplan that has considered social capital and built fabric that has been made in consultation with the community. At a minimum a community liaison officer should have been appointed.

## 7.0 Assessment

The issues arising from the proposed development can be addressed under the following headings-

- Conservation
- Impact on Amenity
- Landuse policy
- Access and Parking

### 7.1. Conservation

- 7.1.1. The larger part of the appeals, observations and other responses which the board has received relate to the degree of significance that should be attributed to the protected structure at Aldborough House. Its high degree of architectural, historical, cultural and social interest is accepted. Therefore the prime consideration in determining the current application is the conservation of the protected structure and the protection of its elements of interest. It is not a question of balancing the conservation of the house with other objectives. The appropriate outcome for the house is the one which would best serve its conservation. The only other major criterion in this case is the proper protection of the residential amenity of neighbouring homes.
- 7.1.2. The arguments of the applicant in this regard are persuasive. The house is a large, vacant structure in a very poor state of repair. It has remained so for a lengthy period that included changes in its ownership and in the economic climate. Its restoration and maintenance requires a high level of expenditure. There is no discernible prospect that the funds necessary for this would be available from public or philanthropic sources. This implies that the site needs a use capable of generating a financial return to its owners that is sufficient to allow them to carry out the works necessary for that restoration and maintenance. The owners and occupiers of any protected structures have an obligation under section 58 of the

planning act to ensure that its special interest is not endangered. However the effect of this obligation would be vitiated if the resources of the owner were depleted before the special interest of the house was secured, whether that owner was a company or a natural person.

7.1.3. The site is in a marginal area in the city centre. The commercial and residential uses established in its vicinity do not operate at a high level of intensity. The site is in an unsightly condition that diminishes the attractiveness of the area for investment. The extent of the site is small in relation to the size of the house upon it. In these circumstances it is highly unlikely that a proposal which was designed to reflect the established pattern of development in the vicinity and which was subservient in scale to the house on the site would be capable of ensuring the conservation of the protected structure. Furthermore, in order to attract occupiers for a development of the size that would be needed to generate sufficient funds for the conservation of the house, then that development would need to be capable of altering the character of the area to a certain extent, to one with a more intensive element of commercial use than that which currently prevails there. So the conservation of the protected structure, and thus the proper planning and sustainable development of the area, justifies a large scale of development on this site, like that currently proposed, even if this alters the setting of the house. It is, of course, essential that any such development was properly designed and executed.

7.1.4. The question then arises as to whether the current proposal, notwithstanding its large scale, has been designed with due consideration for the protected structure and its special interest. The board is advised that it has been. The structure and layout of the house itself would be maintained. A method has been provided for the proposed restoration work to the internal and external fabric of the structure which is based on extensive research on the house and good conservation practice. It was evident from a site inspection that the original fabric in the theatre wing had been heavily modified or replaced in the late 20<sup>th</sup> century. The guard house on Portland Row was added in the 19<sup>th</sup> century and reflects the subsequent use of the house as a barracks. Both it and the boundary wall interfere with the relationship between the front of the house and the street, restricting the extent to which its most notable feature of interest can be appreciated. The removal of these parts of the protected structure is therefore justified. Given this justification, and the small size of removal

relative to retention and restoration of the protected structure in the proposed development, and the even smaller contribution which the elements whose removal is proposed makes to the structure's overall significance, the proposed development could not reasonably be regarded as involving the demolition of a protected structure to which section 58(10)(b) of the planning act would apply.

- 7.1.5. The proposed new offices would be set back from the house above ground floor level, with the roofs of the flanking blocks set just below the parapet height of the house. The new build elements of the proposed development therefore show a reasonable and proportionate deference to the protected structure. They would limit views of the protected structures from various streets and places around the site. In particular a significant view of the front façade of the house from Portland Row to the north would be obscured. On the other hand the view of the façade from the street directly in front of it would be improved by the development. Aldborough House is not a prominent or defining feature of the junction at Five Lamps. The back of the theatre already impedes views of the front of the house of the house from Five Lamps. However it is evident that the proposed development would block oblique views of the house from that junction, as well as views of the side and rear of the house from Killarney Street and Empress Place. The loss of these views would be regrettable and indicates the extent to which the proposed development would alter the setting of the protected structure. Nevertheless this alteration is considered acceptable, for the reasons set out in the paragraphs above.
- 7.1.6. The newly built parts of the development would provide a large amount of office accommodation, 12,550m<sup>2</sup>. The omission of the proposed mezzanines at first floor level in the house would not, therefore, be likely to undermine the viability or purpose of the proposed development and would tend to maintain the original form of the house. The amendment to this effect that was suggested by the applicant in response to the appeals should be adopted by the board. The lowering of the glazed links would not have a significant impact on the setting of the front of the house, but the links may need to be altered to a minor degree to reflect the omission of the mezzanines. It should be noted that the response to the appeal contained elevations indicating how these amendments might be effected, but not a full set of drawings describing them to the standard required under the planning regulations.

- 7.1.7. The construction of the new-build elements of the development would itself give rise to a risk of further damage to the historic elements of the house that would have to be properly managed and mitigated by the development. The restoration of the house should therefore proceed in tandem with the rest of the development, rather than before it.
- 7.1.8. Having regard to the foregoing, the board is advised that the proposed development would facilitate the conservation of the protected structure at Aldborough House and would therefore have a positive impact on the architectural, historical, cultural and social heritage of the area. As such would be in keeping with policies CHC1 and CHC2 of the city development plan.

## 7.2. **Impact on Amenity**

- 7.2.1. While the development would not breach the limits on height or site ratio set out in the city development plan for the Z5 zone, it would introduce large new office blocks onto a relatively small site with houses around it. The new blocks would front directly onto Killarney Street and Empress Place, and the closest parts of their upper floors would be little more than 5m from boundary with Killarney Court to the west. The parapet height at third floor level of the new buildings would be 19.5m over the ground floor level, although there is some setback at that level. There would also be a screen for plant further back of the roof that would be 1m higher again. The width and orientation of Portland Row and Killarney Street mean that the new buildings would not unduly overlook, overshadow or overbear the houses on the other side of those streets. The orientation of Aldborough House follows the axis of Portland Row, which is not perpendicular to the east-west axis of Killarney Street and Empress Place. The footprints of the new blocks refer to both axes and so form trapeziums. The house at the corner of Portland Row and Empress Place has its gable end and garden wall along the latter street. The implication of this pattern is that the new buildings would not lie directly south of windows onto habitable rooms, and would be directly opposite only one of the houses on Empress Place. The diagonal corners of the apartment block increase the distance from the windows there to the new buildings, as compared to the separation distance from the site boundaries. The proposed development leaves the area on the site which is directly in front of the windows on the eastern elevation of Killarney Court without

development above basement level (which is equivalent to the ground level at the back of the site), which would mitigate the impact of the development on the outlook and natural light available at those windows. The opposing windows on the new-build elements would also be further than those at the back of existing house from Killarney Court. In these circumstances the conclusions of the daylight and sunlight analysis submitted by the applicant, which are that the proposed development would comply with the BRE guidance on the matter, are accepted. The proposed development would appear in views from neighbouring apartments and houses and would cast a shadow towards them at certain times of the day and year. However it would not overbear, overshadow or overlook other properties in a manner that would seriously injure their residential amenity or that would justify refusing permission for the development or making substantial alterations to it.

- 7.2.2. The proposed development would introduce new street frontage development along Killarney Street and Empress Place,. The facades there would be higher and of a more contemporary form than the neighbouring buildings and so would alter the character of those streets and the wider area. This impact would be largely positive, as the surrounding streets and the Five Lamps junction are mostly wide and substantial thoroughfares which would benefit from a stronger streetscape. The details of the facades achieves a proper standard of architectural design and properly reflects their context, with more brick finishes along Killarney Street and Empress Place where that material is typical, and more glass along Portland Row to provide a lighter setting for the front of Aldborough House. The removal of the boundary wall and guard house would provide more animated frontage at ground level which would improve the environment for pedestrians, while the proposed railings and terrace in front of the house would establish a much better relationship between the protected structure and the public realm. The development would therefore have a positive impact on the character and amenities of the area. It would also be in keeping with policy SC7 of the development plan.

### 7.3. **Landuse policy**

- 7.3.1. The site is zoned for city centre use. The proposed office use is acceptable under this zoning. The immediately surrounding area is largely residential, with one office building at the corner of Killarney and Amiens Street. The proposed office

development would therefore contribute to a greater mix of uses in the area. This would be in keeping with the zoning of the site. A more intensive use by a significant number of workers would also be appropriate for a site within walking distance of the railway station and Luas stop at Connolly, and which was also beside the bus corridor on Amiens Street. I note the references to Aldborough House in appendix 2 of the Mulvey Report. It suggested that consideration be given to a heritage centre in the house, but only if the current proposals for refurbishment were to fail. The report does not provide grounds to oppose the current application.

#### **7.4. Parking and Access**

- 7.4.1. The proposed development provides bicycle and car parking in accordance with development plan standards. The access to the car park is from a wide street which does not operate as the major vehicular route for which it was designed. The demand for on-street parking in central areas will always exceed supply. The reservation of spaces for residents therefore requires administrative action by the roads authority. This would be the case whether or not the proposed development was carried out. The board is therefore advised that the proposed development would not give rise to traffic hazard or the obstruction of road users.

#### **8.0 Recommendation**

- 8.1. I recommend that permission be granted subject to the conditions set out below.

#### **9.0 Reasons and Considerations**

Having regard to the architectural, historical, cultural and social interest of the protected structure at Aldborough House and the need to protect it, to the city centre zoning of the site and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would contribute to the conservation of the built heritage of the city and would be in keeping with the urban character of the area. As such it would comply with the provisions of the Guidelines for Planning Authorities on Architectural Heritage Protection issued in 2004 and those of the Dublin City Development Plan 2016-2022 including policies CHC1, CHC2 and SC7. The proposed development

would not seriously injure the amenities of property in the vicinity and would not give rise to traffic hazard or the obstruction of road users, and would facilitate travel by sustainable modes. It would therefore be in keeping with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The 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 development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. The mezzanines proposed in Aldborough House shall be omitted from the authorised development. Revised details showing compliance with this requirement, and any consequent alterations that may be necessary to the glazed links to the new office buildings, shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** To protect the layout and character of the protected structure.

3. No part of the development may be occupied unless and until the planning authority certifies that the restoration works to Aldborough House have been completed to its satisfaction. In the event of a dispute on this matter, it may be referred to An Bord Pleanála for determination.

**Reason:** To ensure the proper conservation of the protected structure

4. Prior to the commencement of development, details of the materials, colours and textures, durability and weathering capabilities of all the external finishes, shall be submitted to and agreed in writing by the Planning Authority. In particular, the glazing system to the stairs and lift

core element shall be of a light and transparent material and design and Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

**Reason:** In the interest of orderly development and the visual amenities of the area.

5. The following conservation requirements of the Planning Authority shall be complied with in the development:

a) The proposed structural alteration and extension to the secondary staircase shall be revised in order to avoid loss of character and re design of this authentic structure within the protected structure.

b) The alteration of all basement openings shall be revised in order to retain the original room character, plan arrangement at basement level and opening details i.e. historic joinery linings and stone cills.

c) A site visit shall be scheduled with the Conservation Office and the Design Team prior to the commencement of development to review for approval in writing a comprehensive Conservation Methodology and Specification for all the proposed works in the context of the remaining original fabric, including the repair of original fabric. This should include in particular:

- Drawings of stripping out works/protection of primary fabric
- Structural interventions to have regard to retaining historic fabric in-situ
- Chimney, roof lantern, roof covering and flashings and rainwater goods in accordance with the Advice Series on Traditional Roofs
- Brickwork and stone repair and re-pointing as necessary
- Historic render and decorative work
- Windows
- Internal joinery
- Internal plasterwork

- Repairs of original boundary walls and railings
- Damp-proofing/thermal upgrading measures where necessary
- Removal of redundant M&E elements, wiring and conduit –

Proposed new M&E elements and wiring which will re-use existing runs and opes

d) A Conservation Architect shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric.

e) All works shall be carried out in accordance with best Conservation Practice and the Architectural Heritage Protection Guidelines and Advice Series issued by the DoAHG. Any repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements.

f) During the course of the works the preparation of the Conservation Methodology and Specification requested above, the following detailed schedules are to be agreed on site with Conservation staff and further to the preparation of site exemplars as necessary:

- A methodology for making good the exterior stonework and masonry, including the extent of the repair and proposed repair specification to the protected structure and its flanking wings. A site visit to view exemplars may be necessary and will be confirmed by the Conservation Office on submission of this information.

- A schedule of condition and associated repairs of the original windows to the PS including glass type, frames, sashes and internal linings and details of replacement windows. Note: The repair rather than replacement of original windows is guided in all instances when dealing with historic properties. An experienced conservator of historic joinery / heritage contractor is recommended. The developer shall confirm an appropriate shuttering detail (or alternative screening) within the existing opening detail where possible.

- A methodology for making good the main entrance steps including the proposed mortar specification and joint detail. A site visit shall be coordinated with Conservation staff to view samples of the joint detail and replacement stone elements, if required.
- A schedule of the proposed stone replacement details to the main staircase stairwell and adjoining landings. - The advice of an experienced conservator should be sought regarding safeguarding the remnants of the historic finishes in particular the decorative ceilings, gesso work etc where revealed both in terms of the remnants to be retained in situ and the overall record to be made.
- A schedule of condition and associated repairs of the historic plasterwork (plain and decorative to be retained) and clarification of all restoration works, thermal and damp upgrading works (to avoid adverse impact on breathability and historic character) to be confirmed with the Conservation Office. Note: Dry-lining is not supported as a general conservation strategy for protected structures, however the fit-out of the basement to be confirmed using appropriate materials and retaining focal features on view. Historic fabric to be removed to be carefully set aside and recorded or re-used where possible as part of the overall refurbishment. - A copy of the finalised report regarding the historic structure, its original plan form, character, historic arrangement and details to be placed with the Irish Architectural Archives and the Planning Authority for record purposes. - The proposed finishes and details to the main forecourt to be of native materials and the final details to be agreed in writing with the Planning Authority.

**Reason:** To ensure that the integrity of the protected structure is maintained

6. Prior to commencement of development the method of removal and recording of the Guard House along with details of its proposed storage location and subsequent re-erection shall be submitted to and agreed in writing with the Planning Authority.

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

7. The detailed design of the stone paving and tree planting beyond the boundary railings along Portland Row, including its layout and configuration, hard and soft landscaping and selection of materials, planting, lighting, seating etc. shall be agreed in writing with the Planning Authority prior to the commencement of construction, notwithstanding any details submitted with the planning application.

**Reason:** In order to facilitate the creation of a unified public realm that builds on the specific urban qualities of the area and in the interests of amenity, ecology and sustainable development

8. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

**Reason:** To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste. Save in exceptional circumstances when the prior written consent of the planning authority has been given, the hours of working shall be restricted to those between 0700 and 1900 Monday to Friday, 0800 to 1400 on Saturdays, with no work on Sundays or public holidays.

**Reason:** In the interests of public safety and residential amenity.

10. 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.

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. The developer shall pay to the planning authority a financial contribution in respect of the Luas C1 line 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.

13. 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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Stephen J. O'Sullivan  
Planning Inspector

25<sup>th</sup> January 2018