



An  
Bord  
Pleanála

## Inspector's Report ABP-314628-22

### Question

Whether or not material alterations made to the façade of the Dropping Well Pub is or is not development or is or is not exempted development.

### Location

Dropping Well Public House, Milltown Road, Dublin 6.

### Declaration

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

0233/22

Applicant for Declaration

Milltown Inns Ltd.

Planning Authority Decision

Is not exempted development.

### Referral

Referred by

Milltown Inns Ltd.

Owner/Occupier

Milltown Inns Ltd.

Observer(s)

None

Date of Site Inspection

10<sup>th</sup> February 2023.

Inspector

Michael Dillon.

## **1.0 Site Location and Description**

- 1.1. The site is located at the junction of Milltown Road Lower and Churchtown Road Lower – just beside Classon’s Bridge over the Dodder River. There is a two-storey public house/restaurant on the site, with a surface car-park immediately to the west. There is pedestrian walkway on the site side of the Dodder River, which passes beneath Classon’s Bridge. The bridge itself was widened in the 1920’s, and the original stone bridge, with 3 arches, is only visible from the pedestrian footpath along the riverbank.
- 1.2. The façade of the building onto Milltown Road is of two storeys. The upper floor of this façade has had granite cladding attached – over the original plasterwork finish. There are 5 sash windows, of two-over-two equal divisions. The other elevations of the building are plastered/dashed and painted. The ground floor elevation is typical of shopfront design, with windows and timber panels and signage above. The front portion of the building has a pitched, slated roof. There is a granite monument beside the entrance – in the shape of a tapering four-sided pillar – with small bronze sculpture on top. The 1.5m high monument to the great famine was installed in 1997.

## **2.0 The Question**

- 2.1. Whether the application of granite cladding to the first-floor front façade of the Dropping Well public house is or is not development; and is or is not exempted development.

## **3.0 Planning Authority Declaration**

### **3.1. Declaration**

By Order dated 19<sup>th</sup> August 2022, Dublin City Council decided that the alteration to the front façade was not exempted development as per section 4(1)(h) of the Planning and Development Act, 2000 (as amended). The decision of the Council was sent to the applicant on 23<sup>rd</sup> August 2022.

### **3.2. Planning Authority Reports**

The Planner's Report, dated 15<sup>th</sup> August 2022, refers to the planning history of the site (including enforcement in relation to the matter the subject of this referral to the Board). The cladding of this part of the building is considered to be 'works' as per Section 2 of the Act. As works have been carried out, development as per Section 3(1) of the Act has taken place. Section 4(1)(h) provides for exempted development where 'development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures'.

The general appearance of Classon's Bridge is concrete and pebbledash. The granite cladding materially affects the appearance of the building. It is considered that this alteration is development and is not exempted development.

### **4.0 Planning History**

There are no referenced planning cases which are germane to the consideration of this referral – apart from the enforcement case which has resulted in the referral to the Board.

### **5.0 Policy Context**

#### **5.1. Development Plan**

The relevant document is the Dublin City Development Plan 2022-2028. The Dropping Well is not a Protected Structure, and neither is it located within an Architectural Conservation Area. The public house is located within a 'Site of Archaeological Interest' – associated with nearby Classon's Bridge – which is listed in the Record of Monuments & Places of the OPW. The Dodder River (and adjoining banks) is indicated as being a 'Conservation Area'. Section 11.5.3 of the Development Plan states that conservation areas are extensive throughout the city (in this case associated with the Dodder River and its banks), although they do not

have a statutory basis in the same manner as Protected Structures or Architectural Conservation Areas. Their special interest lies in historic and architectural factors, and design and scale of the area. Such areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas.

## **5.2. Natural Heritage Designations**

The site is not located within or adjacent to any Natura 2000 sites. No mitigation measures are proposed to avoid/reduce any effect on a Natura 2000 site; and significant effects are not likely to arise, either alone or in combination with any other plans or projects to any SPA or SAC. The development is located within an established urban area on zoned lands that are suitably serviced. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 sites. A Stage 2 Appropriate Assessment is, therefore, not required.

## **6.0 The Referral**

### **6.1. Referrer's Case**

The referral case, submitted to the Board on 15<sup>th</sup> September 2022, by Tom Phillips Associates, agent on behalf of the owner, Milltown Inns Ltd, can be summarised in bullet point format as follows-

- Granite was chosen for this cladding on aesthetic grounds – reflecting the cultural and historical link with the Great Famine monument in front of the pub, and some of the materials within Classon's Bridge. The bridge was constructed c.1790, and is a monument (DU022-097). This is the only neighbouring structure to the public house. The granite cladding of the public house is in keeping with the original masonry finish of Classon's Bridge – now only visible to pedestrians walking beneath the bridge.

- There are a number of other structures in the vicinity which contain granite elements – such as the original gates to ‘Nullamore’ and the boundary wall to the house opposite the Dropping Well, on the Milltown Road – each approximately 30m away.
- Granite is a common and traditional building material in Dublin. It is considered that it enhances the appearance of the public house.
- The Dropping Well has a number of different external finishes, including painted pebble dash/plaster, exposed stone and the new granite cladding.
- The referral is accompanied by a number of annotated colour photographs – both old and new.
- The planning authority failed to consider the true character of neighbouring structures. ‘The mere fact that works materially affect the external appearance of a structure does not necessarily mean it is inconsistent with the character of the house itself or adjoining structures’ – Stephen Dodd B.C.L, LL.M.
- The general appearance of Classon’s Bridge is of concrete and pebbledash. Figure 4.4 is a photograph showing concrete, pebbledash, and exposed stone, all beside one another, at the back of the public house, on the footpath beneath the bridge.
- Alterations made do not seriously injure the amenities of the area or property in the vicinity.

## 6.2. Planning Authority Response

None received.

## 7.0 Statutory Provisions

### 7.1. Planning and Development Act, 2000

Section 2(1) states, *inter alia*,

“development” has the meaning assigned to it by *section 3*, and “develop” shall be construed accordingly;

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation of a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1) states-

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1) states, *inter alia*,

The following shall be exempted development for the purposes of this Act-

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;’

## **7.2. Planning and Development Regulations, 2001**

Not relevant.

## **8.0 Assessment**

### **8.1. Is or is not development**

The addition of granite cladding is “works” as defined by section 2 of the Act – being an operation of construction and alteration to a building. The definition of “development” in section 3 encompasses the carrying out of works on land. I am satisfied that the granite cladding to the first floor Milltown Road façade of the Dropping Well, is development.

## 8.2. Is or is not exempted development

- 8.2.1. Section 4(1) of the Act provides for classes of development which are considered to be exempted development; amongst which is sub-section (h) which refers to works for the maintenance, improvement or other alteration of any structure, which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. There are a number of sub-elements to this sub-section.
- 8.2.2. Firstly, the works carried out were for the maintenance and improvement of the building – in that the stone cladding will obviate the requirement for repeated painting of the original render finish. I note that the painted, rendered, quoins have been retained at either end of the cladding – in effect framing the new stonework. Of note is that the retention of the quoins results in the stone cladding not being visible when viewing the building from the east or the west. In this sense, the front façade onto Milltown Road can stand as an isolated or one-off structure.
- 8.2.3. Secondly, whilst the alterations do materially affect the external appearance of the structure, they do not render the appearance inconsistent with the character of the structure. As referred to elsewhere in this report, the exterior of this public house has a number of different finishes – including painted plaster, painted pebbledash, exposed stone and painted timber. The paint colour has varied over time, as evidenced by the photographs which accompany the reference – most recently from red oxide to dark grey. The building is not a Protected Structure. I consider that the addition of granite cladding, to a relatively small area of the outside of this public house, does not render it inconsistent with the character of the remainder.
- 8.2.4. Thirdly, the consideration of whether the granite cladding renders the appearance inconsistent with the character of neighbouring structures, needs to be examined. The agent for the referrer goes to some length to establish that the character is not inconsistent with the character of the original Classon's Bridge – now largely enveloped by later concrete additions. It is stated that there is some granite visible within an archway of the old bridge. On a cursory examination of the pedestrian pathway beneath this bridge, I could find no evidence of granite masonry: it may be that the evidence is to be found in one of the other two archways which are not easily accessible – as they carry the river beneath the structure. I would agree with

the contention of the Planning Authority that the overall appearance of this bridge is of concrete and pebbledash. However, the Milltown Road façade of the Dropping Well public house cannot be seen as having a relationship with Classon's Bridge, partly due the separation distance, and partly due to the low elevation of the bridge, where only the parapet structures are readily visible at road level (whatever about river footpath level); and for this reason, I do not consider the character of the area as being defined by the relationship between these two structures. The agent for the applicant draws attention to the very fine, granite, cut-stone piers to 'Nullamore' – on the other side of Milltown Road. Because of their prominence at this road junction, particularly when approaching Milltown Road from Churchtown Road Lower, and also because of the fine stonework, these entrance gates do go some way towards defining the character of the area. It is also pointed out that there is granite stonework on the boundary wall/embankment of a house on the opposite side of Milltown Road. During my site inspection, I found evidence of granite stones in amongst the predominantly limestone boundary wall on the south side of Milltown Road, immediately to the west of the Dropping Well. This wall defines the roadside boundary of a small public park. Having regard to the number of examples of granite usage in the area, I would not consider the granite cladding on the first floor of the Dropping Well to be inconsistent with the character of neighbouring structures.

### 8.3. **Restrictions on exempted development**

The granite cladding is located at first-floor level, and so could not have impacted in any way on Classon's Bridge (a monument included in the Record of Monuments & Places of the OPW), and on the area surrounding it, which is a zone of archaeological potential; because there would have been no ground disturbance associated with the development works.

## 9.0 **Recommendation**

9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

**WHEREAS** a question has arisen as to whether the addition of granite cladding at first-floor level on the Milltown Road façade of the Dropping



Well public house is or is not development or is or is not exempted development:

**AND WHEREAS** Milltown Inns Ltd, requested a declaration on this question from Dublin City Council and the Council issued a declaration on the day of 23<sup>rd</sup> day of August 2022, stating that the matter was not exempted development:

**AND WHEREAS** Milltown Inns Ltd. referred this declaration for review to An Bord Pleanála on the 15<sup>th</sup> day of September 2022:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) the planning history of the site,
- (e) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the granite cladding to the first-floor façade of the building, facing onto Milltown Road, is development;
- (b) the granite cladding does not render this part of the structure inconsistent with the overall character of the structure;
- (c) the granite cladding does not render the structure inconsistent with the character of neighbouring structures;

(d) the addition of granite cladding did not have any impact on the area of archaeological potential surrounding Classon's Bridge.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the first-floor granite cladding of the façade of the building, addressing Milltown Road, is development and is exempted development.

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**Michael Dillon,  
Planning Inspectorate**

**14<sup>th</sup> February 2023.**