



An  
Bord  
Pleanála

## Inspector's Report ABP315178-22

### Development

Change of use of two-storey building a Protected Structure comprising office at ground floor and office above into one single dwelling. Removal of chimney stack and alterations to front façade and all associated site works.

Location

78 Aughrim Street, Dublin 7.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4077/22.

Applicant

Vincent T Griffin.

Type of Application

Permission and retention permission

Planning Authority Decision

Permission with conditions.

Type of Appeal

First Party

Appellant

Vincent T Griffin.

**Observer(s)**

None.

**Date of Site Inspection**

22<sup>nd</sup> August 2023.

**Inspector**

Derek Daly.

## 1.0 Site Location and Description

- 1.1. The site is located on the western side of Aughrim Street in the inner northwestern suburbs of Dublin City. On the appeal site is an existing two-storey terraced building similar to three adjoining properties with a shopfront at street level.

The existing building is currently occupied by a solicitor's office at ground floor level, with a traditional style shopfront painted blue, which includes a fascia with signage. The premises has a single entrance to the front, accessed via a pedestrian pathway adjoining a small railed area between the inner edge of the footpath and the front building line, and the site also has a garden to the rear.

The building has a two-storey projection to the rear with a single storey extension to one side of this. The building has a pitched roof overhead, set behind a parapet to the front, and with a large chimney in the centre. The site is bounded on either side by a two-storey house of similar proportions. There is an existing apartment at first floor level. The site has a stated area of 154m<sup>2</sup> (0.015ha). while the existing building has a stated area of 96.4m<sup>2</sup>.

Information submitted on the file indicates that the structure on the appeal site is a terraced two-bay two-storey house, built c.1810, having two-storey return to rear and timber shopfront inserted to ground floor. The front elevation is of painted brick laid in Flemish bond to front (north-east) elevation with a shopfront at ground floor level. The area to the front of the building is enclosed with railings on a rendered plinth. The building has been rated as being of regional significance by the National Inventory of Architectural Heritage (Ref. 50070041). It is considered to be of Architectural and Artistic interest.

## 2.0 Proposed Development

- 2.1. The proposed development as initially submitted on the 26<sup>th</sup> May 2022 was for the change of use of an existing two storey building, a Protected Structure, from office at ground level and a two bed apartment at first floor level into one single three-bedroom dwelling.
- 2.2. The works involve externally alterations to the front façade by restoring it back to original state which will remove the existing shopfront at ground floor level with an

area of new wall built to form new window ope with the wall to march existing and similar detailing over the doorway to the property. The chimney at roof level was proposed to be removed.

- 2.3. Internally at ground floor level the removal of an existing chimney stack was proposed with a minor amendment to the internal layout arising from the removal of the chimney stack and at first floor level in addition to the removal of the chimney stack a number of internal partitions and the construction new internal partitions accommodating a new internal layout.

In addition to drawings indicating the works proposed a conservation method statement was submitted which describes the property and its history, the planning history, an outline of works proposed and an overall assessment of the impact of the works as positive.

Further information was submitted on the 30<sup>th</sup> September 2022 in response to a request from the planning authority in which the chimney stack above first floor ceiling level is retained but wishes to retain the intention to remove it below this level

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The decision of the planning authority was to grant permission subject to eight conditions. Condition no.2 is of note which states;

The developer shall comply with the following:

- a) The applicant shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority prior to commencement of development:
- i. The proposed removal of the internal chimney breasts is contrary to Section 11.1.5.3 of the Dublin City Development Plan 2016-2022. The applicant shall submit revised 1:50 elevations and floor plans showing the retention of these key features of the building's special interest and historic planform.
  - ii. The shopfront is considered a key element of the building's special interest and its proposed removal is contrary to Policies CHC2 and CHC4 of the Dublin City

Development Plan 2016-2022 and Sections 7.8.1,7.8.2 and 12.1.7 of the Department of Housing, Local Government and Housing's Architectural Heritage Protection Guidelines for Planning Authorities. The applicant shall submit revised 1:50 drawings showing the retention of the shopfront.

b) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

c) The development shall be carried out in accordance with the following:

i. All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair offsite shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.

ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at 78 Aughrim Street and to ensure that the proposed works are carried out in accordance with best conservation practice.

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

#### **3.2.1. Planning Reports**

Initial report dated 25<sup>th</sup> July 2022 indicated no objection in principle but recommended further information be submitted primarily based on a report received from the Conservation Officer.

The planning report dated the 2<sup>nd</sup> November 2022 as previously noted that the proposed change of use to residential and the reinstatement of a single dwelling on the site are welcome in principle, while the proposed new dwelling would provide for an acceptable standard of residential amenity and private open space. The report noted that while the proposal to retain the external chimney is welcome, there is concern that the issues raised in relation to the retention of the internal chimney breasts and shopfront have not been adequately addressed in the additional information submission. In order to allow for the protection of the special interest and character of the protected structure, including its internal plan form and features and the external shopfront, in accordance with conservation policy, it is considered that the conditions recommended by the Conservation division requiring revised drawings should be attached in the event of permission being granted. Permission was recommended incorporating the recommendations of the conservation officer.

### 3.2.2. Other Technical Reports

Conservation officers report dated the 6<sup>th</sup> July 2022 recommended additional Information and that the applicant shall submit the following:

The proposed removal of the chimney stack and internal chimney breasts is contrary to Policies CHC2 and CHC4 of the Dublin City Development Plan 2016-2022 and is not supported by the Conservation Officer. The applicant shall submit revised 1:50 elevations and floor plans showing the retention of these key features of the building's special interest and historic planform.

The shopfront is considered a key element of the building's special interest and its proposed removal is contrary to Policies CHC2 and CHC4 of the Dublin City Development Plan 2016- 2022. The applicant shall submit revised 1:50 drawings showing the retention of the shopfront.

A further report of the Conservation officer dated the 10<sup>th</sup> October 2022 reiterates an objection to the removal of the internal chimney stack and removal of the shopfront and recommends conditions to provide for the retention of the internal chimney and shopfront.

## 4.0 Planning History

P.A. Ref. 3723/19:

Permission granted for alterations and improvement works to existing two-storey building, a protected structure, with offices at ground level to be retained and alterations to internal layout of existing apartment at first floor level including provision of new access door and screen at rear elevation leading on to new external stairs providing access to rear garden.

P.A. Ref. 0677/92 /ABP Ref. 29/5/89013:

Permission refused for change of use at ground floor from retail shop and related stores to solicitor's office with new internal access to existing first floor residential accommodation and addition of ventilated lobby and toilet at rear and reinstatement of railings to front. The decision to refuse permission was overturned by An Bord Pleanála on appeal and permission was granted.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The operative statutory development plan is the Dublin City Development Plan 2022-2028. The assessment of the application was carried out under the previous 2016-2022 Dublin City Development Plan.
- 5.1.2. The site is located within Land-Use Zoning Objective Z2: To protect and/or improve the amenities of residential conservation areas and residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale.
- 5.1.3. It is indicated that the overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area and the principal land-use encouraged in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the guiding principle

is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.

- 5.1.4. The change of use as proposed is permitted within this zoning.
- 5.1.5. Chapter 11 of the current plan refers to Built Heritage and Archaeology and the plan indicates that the strategic approach which will be pursued is the preservation of the built heritage and archaeology of the city that makes a positive contribution to the character, appearance, and quality of local streetscapes and the sustainable development of the city.
- 5.1.6. Section 11.5.1 refers to the Record of Protected Structures and that all works to protected structures shall be carried out to the highest standards in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011).

Policy BHA 2 in relation to the development of Protected Structures indicates that development will conserve and enhance protected structures and their curtilage and will include:

- Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.
- Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.
- Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not

adversely impact the curtilage or the special character of the protected structure.

- Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.
- Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

5.1.7. In relation to historic use, it is indicated that the historic use of the structure is part of its special interest and often the best use for a building will be that for which it was built.

5.1.8. Section 11.5.2 refers to Architectural Conservation Areas (ACAs) and that ACAs are designated in recognition of their special interest or unique historic and architectural character, and important contribution to the heritage of the city. This character is often derived from the cumulative impact of the area's buildings, their setting, landscape and other locally important features which developed gradually over time. An ACA may consist of groupings of buildings and streetscapes and associated open spaces. The protected status afforded by inclusion in an ACA only applies to the exterior of structures and features of the streetscape. While the purpose of ACA designation is to protect and enhance the special character of an area, it should not be viewed as a means of preventing new development but rather to help guide and manage change to ensure developments are sympathetic to the special character of the ACA.

5.1.9. The overall aim of the plan is also to protect structures and area and to encourage ongoing use of buildings in these areas and the plan outlines policies and objectives in support of this.

5.1.10. Policy BHA9 referring to ACAs indicates a policy to protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives.

5.1.11. Enhancement opportunities may include:

- Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.



- The repair and retention of shop and pub fronts of architectural interest.
- Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
- The return of buildings to residential use.

5.1.12. Chapter 15: Development Standards details the policies and objectives for residential conservation areas and standards and 15.15.2 refers to Built Heritage including Conservation Areas and Protected Structures and that works comply with the requirements as set out in chapter 11 of the CDP and in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and the Conservation Advice Series published by the Department of Housing, Local Government and Heritage.

Volume 4 of this plan contains the Record of Protected Structures and the building is listed in volume 4 of the CDP as a protected structure.

## 5.2. National Guidance

5.2.1. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011).

The Architectural Heritage Protection Guidelines for Planning Authorities (2011) provides more detailed guidance in relation to ACAs and the assessment of development proposals within them on a range of matters including development control (chapter 6) and that on the whole, the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use.

5.2.2. Part 2 of the Guidance are more detailed guidance on a range of matters including Conservation Principles (chapter 7) where it is indicated conservation is the process of caring for buildings and places and of managing change to them in such a way as to retain their character and special interest and that it is generally recognised that the best method of conserving a historic building is to keep it in active use, respecting earlier alterations of interest.

5.2.3. Individual components of buildings are referred to including walls and windows, interiors in chapter 11 where it is indicated if features are considered to be worthy of protection, they should ideally be retained in situ and where alterations are essential for the continued viability of a building with an interior of value, attempts should be

made to keep works to a minimum and where new partitions are proposed, they should be installed in such a way that they can be removed at a later stage with little or no damage to the historic fabric and that the removal of fireplaces that are important to the character and special interest of the interior of a protected structure should not be permitted, even when the chimney has become redundant.

- 5.2.4. Shopfronts are referred to in chapter 12 and that the presence of well-crafted and historic shopfronts is an important part of the character of some ACAs and every effort should be made to protect shopfronts that are of special interest and in assessing the qualities of a shopfront and among the issues which should be addressed are is the shopfront original to the building, what contribution does the shopfront make to the street and is the shopfront nonetheless special in its own right and worthy of protection?
- 5.2.5. Section 12.1.7 refers to architecturally valuable shopfronts, whether original to the building or of a later period, should not be demolished or dismantled even if a change of use is proposed which will make the shopfront redundant. This may occur, for example, when a commercial premises is to be converted to a dwelling. It could be a requirement that the shopfront be retained in place after the change of use. Proposals to remove a good, but later, shopfront in order to build a new ground floor façade purely on the basis of speculation should generally not be considered acceptable.

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

None relevant.

### 5.4. **EIA Screening**

- 5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The applicant is appealing condition 2(a) i and ii of the planning authority's decision and has no issues in relation to the remaining conditions of the Planning Authority decision. The appeal submission includes a report from a conservation architect in support of the appeal.

6.1.2. The grounds of appeal can be summarised as follows;

- The requirement to retain the shopfront is based on unsubstantiated grounds insofar as the shopfront was altered in the recent past and the provenance of any retained elements is unclear and not verifiable.
- Reference is made to the history of the building and it is unclear when a shopfront was constructed on the façade of the building originally built as a single family residence in the early 1800s.
- Retaining the shopfront renders the building to be inconsistent with its neighbours in particular the immediately adjoining houses built as a terrace.
- It is considered that given the Z2 zoning appropriate to return the building to its pre commercial appearance.
- A report from the conservation architect supports this viewpoint that the decision to retain the shop front is not in the best interests of conservation principles.
- The reinstatement of the façade would be of significant benefit to the streetscape and building.
- The requirement to retain the chimney stack does not take into account a poor internal layout for the provision of quality residential accommodation.
- The internal stack currently blocks all light penetration into the inner area and its removal would enhance the continuous occupancy of the building.
- The assessment by the planning authority has not taken into account the full history of the building.

- The applicant in an accompanying letter supports the views expressed in the grounds of appeal.
- In the submission of the conservation architect the history of the site and area are outlined. Reference is made to uniformity of the terrace of six houses until the insertion of the shopfront and that the shopfront currently in place was installed in 1992 and replaced an earlier timber shopfront which based on an examination of records may have been formed in the period 1901-1911.
- The approach as adopted by the planning authority is the wrong approach it is not the retention of the original shopfront the details of which are unknown but a more recent shopfront installed approximately 30 years ago.
- There are a number of options which could be considered, designing a contemporary ground floor elevation so as to distinguish it as a later intervention of restore the building to its pre 1911 original state and the omission of condition 2 (ii).
- Specific to the chimney the conservation architect submission agrees that the chimney should remain externally.
- In relation to the internal chimney the best practice is give a building a healthy purpose and the internal chimney is not conducive to modern living and in this regard, it is recommended that traces of its previous existence by the use of dropped beams supporting steelwork which will give clarity to the provenance of the intervention.
- Reference is made to 6.8.8 of the Heritage Protection Guidelines and the need to keep a Protected Structure in active use ideally in its original use.

## 7.0 Assessment

7.1. The main issues in this appeal are development plan policy and principle of development and the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Policy and principle of development

- The grounds of appeal.
- Appropriate Assessment

## 7.2. Policy and principle of development.

7.2.1. The site is located within the Land-Use Zoning Objective Z2: To protect and/or improve the amenities of residential conservation areas in the current Dublin City Development Plan 2022-2028 and the change of use to residential is permissible within this zoning and acceptable in principle.

## 7.3. Grounds of appeal.

7.3.1. Central to this appeal is the grounds of appeal where the appellant has specifically appealed condition 2(a) i and ii of the planning authority's decision and has raised no issues in relation to the remaining conditions of the Planning Authority decision.

7.3.2. Having reviewed the documentation submitted both in relation to the details submitted in the course of the assessment by the planning authority and the appeal submission I am satisfied that no issues arise other than those presented in the grounds of appeal and that this appeal can be considered under the provisions of section 139 of the Planning and Development Act 2000 as amended.

## 7.4. Condition 2(a) i

7.4.1. This condition indicates that the proposed removal of the internal chimney breasts is contrary to Section 11.1.5.3 of the Dublin City Development Plan 2016-2022 and that the applicant shall submit revised 1:50 elevations and floor plans showing the retention of these key features of the building's special interest and historic planform.

7.4.2. The appellant contends that the requirement to retain the chimney stack does not take into account a poor internal layout for the provision of quality residential accommodation, the internal stack currently blocks all light penetration into the inner area and its removal would enhance the continuous occupancy of the building and in relation to the internal chimney the best practice is give a building a healthy purpose and the internal chimney is not conducive to modern living.

7.4.3. It is important to state initially that the original proposal as submitted did propose to remove the chimney in its entirety but in the further information response the section of chimney above the ceiling at first floor level is retained and in effect this retention at roof level retains an important feature integral to a visual consistency with

adjoining properties and which is important in the context of the ACA. The retention of the chimney above first floor ceiling level is I consider desirable in the context of the streetscape and the ACA.

- 7.4.4. In relation to the section of chimney below the first floor ceiling level conservation guidance does advocate a retention of as much of the internal layout as possible. The chimney breast has a plastered external finish and there is no fireplace exposed. At ground level outside of the removal of the stack no other internal alteration are proposed other than a new low partition along part of the area of the chimney stack which will increase the habitable floor space. There are also changes in the internal arrangement of the first floor in part facilitated by the removal of the chimney breast.
- 7.4.5. The planning authority contention is that fireplaces were the central element of design within a historic structure and are therefore a key element of the layout and architectural character of the structure. The report notes that the internal layout of the structure has been compromised through previous alterations and the loss of the chimneybreasts will lead to a total erosion of its planform. In relation to No.78 Aughrim Street, the centrally placed chimneystack and corresponding chimney breasts are an unusual and interesting feature which are to be retained and whilst the removal of the chimneybreasts may provide additional floor space, this is not sufficient justification for their loss.
- 7.4.6. While noting that desired conservation practice is to retain as much of the original internal layout it would appear the original layout has not been retained and the current layout is a modification of the original layout. The internal chimney breast therefore does not in its current state relate to the original internal layout and in this context, I consider could be removed. In this regard I would note that the existing structure has been the subject of two previous grants of planning permission P.A. Ref. 3723/19 and P.A. Ref. 0677/92 /ABP Ref. 29/5/89013 where permission was granted for alterations and improvement works including alterations to the internal layout.
- 7.4.7. I would also consider that the suggestion that traces of its previous existence by the use of dropped beams supporting steelwork which will give clarity to the provenance of the intervention is reasonable and given the importance as indicated in the CDP

and national guidance to retain an active use of the building providing a good quality living space would assist in this regard.

7.4.8. I would therefore consider that removal of condition 2(a) i as requested in the grounds of appeal is reasonable and be amended to provide for traces of the previous existence of the internal chimney by incorporated and also to refer to the retention of the chimney above the ceiling at first floor level.

#### 7.5. **Condition 2(a) ii**

7.5.1. This condition indicates that the shopfront is considered a key element of the building's special interest and its proposed removal is contrary to Policies CHC2 and CHC4 of the Dublin City Development Plan 2016-2022 and Sections 7.8.1, 7.8.2 and 12.1.7 of the Department of Housing, Local Government and Housing's Architectural Heritage Protection Guidelines for Planning Authorities and that the applicant shall submit revised 1:50 drawings showing the retention of the shopfront.

7.5.2. In the grounds of appeal, the appellant has examined the history of the site indicating that the building in its original state was a dwelling. In the early 1900s a shop was introduced on part of the ground floor and this shop had a shopfront, that details of the original shopfront are unknown and the current shop front was erected in 1992.

7.5.3. The planning authority contend that removal of the shopfront will lead to the loss of a key element of the building's special interest and result in the unacceptable loss of an important vestige of the building's historical character and that of the streetscape.

7.5.4. The reason for the insertion of the refers to policies CHC2 and CHC4 of the Dublin City Development Plan 2016-2022 and Sections 7.8.1, 7.8.2 and 12.1.7 of the Department of Housing, Local Government and Housing's Architectural Heritage Protection Guidelines for Planning Authorities.

7.5.5. Policies BHA2 and BHA9 of the current plan 2022 CDP largely reflect policies CHC2 and CHC4 of the Dublin City Development Plan 2016-2022. The issue is whether the current shopfront reflects a special character and appearance and deemed necessary to protect the special interest and character of the Conservation Area.

7.5.6. Policy BHA9 does indicate that development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting,

wherever possible and outlines enhancement opportunities which include the repair and retention of shop and pub fronts of architectural interest which is relied upon for the decision of the planning authority to require the retention of the shopfront. The enhancements however also include the return of buildings to residential use.

7.5.7. It would not be unreasonable to consider that in returning a building to its original use and external finish would be a major positive conservation interest. In relation to the current façade the shopfront is not the original façade and is not the original shopfront. While it may be considered that the removal of the shopfront will lead to the loss of a key element of the building's special interest and result in the unacceptable loss of an important vestige of the building's historical character and that of the streetscape I do not agree with this view and consider that the reversion of the façade to its original façade and its restoration to be part of the original streetscape is of greater importance than the retention of modern intervention of a shopfront approximately 30 years in existence.

7.5.8. I note the national guidance and in particular the reference to shopfronts and that the presence of well-crafted and historic shopfronts is an important part of the character of some ACAs and every effort should be made to protect shopfronts that are of special interest. The guidance does refer to in assessing the qualities of a shopfront and among the issues which should be addressed are is the shopfront original to the building, what contribution does the shopfront make to the street and is the shopfront nonetheless special in its own right and worthy of protection. In this case it is not an original shopfront or a historic shopfront or I would consider an architecturally valuable shopfront to warrant its retention and the requirements of the condition be omitted from a grant of planning permission. I would therefore consider that the condition as stated be omitted as a condition requiring that all works to the front elevation of the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. That the works shall retain the maximum amount of surviving historic fabric in situ and that the architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area and that details to comply with these requirements be submitted to and agreed with the planning authority.



## 7.6. **Appropriate Assessment Screening**

7.7. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

## 8.0 **Recommendation**

8.1. For the reasons already stated I consider that the appeal can be addressed under section 139 of the Planning and Development Act 2000 as amended and I recommend permission be granted subject to the amendment of conditions 2 (a) i and ii of the Planning Authority's decision to grant planning permission.

## 9.0 **Reasons and Considerations**

9.1.1. Having regard to the nature and scale of the proposed development, the matters raised in the grounds of appeal, the history of the building including its planning history, the zoning provisions of the current Development Plan, the provisions as stated in the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011), the proposal to restore the structure to its original use and external appearance and to maintain the structure and also that the desired practice to prolong the life of a protected structure is to keep it in active use, ideally in its original use it is considered subject to the amended conditions as set out that the proposed development accords with the proper planning and sustainable development of the area.

## 10.0 **Conditions**

10.1. Condition 2 (a)i shall be amended as follows;

The chimney above the ceiling at first floor level shall be retained and the grant of permission permits the removal of the internal chimney below this level. As part of its removal the internal works shall provide for traces of the previous existence of the

internal chimney to be incorporated and the applicant shall submit architectural conservation details which comply with these requirements for the written approval of the Planning Authority prior to commencement of development.

10.2. Condition 2 (a)ii shall be amended as follows;

10.3. The shopfront shall be removed and the front elevation shall be constructed as indicated in the drawings submitted to the planning authority. The works shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage and the works shall retain the maximum amount of surviving historic fabric in situ and that the architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area. details to comply with these requirements for the written approval of the Planning Authority prior to commencement of development.

Reason:

In order to protect the character and integrity of the Protected Structure at 78 Aughrim Street and to ensure that the proposed works are carried out in accordance with best conservation practice.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Derek Daly  
Planning Inspector

4<sup>th</sup> September 2023