



An
Bord
Pleanála

Inspector's Report

ABP-322191-25

Development

Protected Structure. Internal alterations to form a new family kitchen, additional door opening and new window, construction of roof light in master bedroom, internal partition walls in master bedroom, new bathroom, replastering of rooms, external gable wall re-rendered and a first floor rear external access deck and associated works.

Location

24, Charleville Road, Rathmines, Dublin 6, D06 F7Y5.

Planning Authority Ref.

WEB2300/24.

Applicant(s)

Bridget Freyne & Richard Bowen.

Type of Application

Permission.

PA Decision

Grant permission with conditions.

Type of Appeal

First Party v condition

Appellant

Bridget Freyne & Richard Bowen.

Observer(s)

None on file.

Date of Site Inspection

10th June
2025

Inspector

Des Johnson

Site Location/ and Description

1.1 The site is located on the north side of Charleville Road towards its western end. St Louis Secondary School is on the southern side of the road, and Wynnefield House development is adjacent to the west.

1.2 No.24 is a 3 bay, single- storey over raised basement, semi-detached dwelling with a two-storey return. The plan form of the Protected Structure appears to be substantially intact, particularly at upper ground floor level.

2. Proposed development.

2.1 The proposed development is for internal alterations and the provision of an external access deck to an existing Protected Structure. The gross floor area existing is stated to be 207sqm, the gross floor area proposed is stated to be 4.6sqm, and the site area is 0.055ha.

2.1.1 A Conservation Report, submitted with the application, details the proposed development as follows:

- Opening up of the central wall to hall to form new family kitchen at 1st floor level. Cornices to be maintained with glazed sliding door installed below. Removal of existing door and architraves, which are to be retained for future use
- Rear elevation west window changed to a door. All architraves and shutterboxes retained. Existing window to be retained for future use
- Additional door opening connecting new kitchen location to proposed living room at first floor wall
- Enlarge existing opening in ground floor rear external northern wall
- Internal window providing natural light into central hallway
- Widening of door opening from hallway into bathroom
- Removal of internal block wall to provide large family bathroom
- Provision of roof light to front slope of rear roof to master bedroom

- Provision of internal partition walls 2m tall within the master bedroom
- Internal replastering with an insulating breathable plaster
- Removal of sand cement render and replacement with insulating breathable render
- Provision of rear external access deck, which would be structurally independent from the house

The Conservation Report contains a series of photographs explaining the proposed works.

2.1.2 Further Information submitted, included the following:

- Statement on methodology
- Low profile heritage rooflight proposed
- Revised drawing of internal reconfiguration. Omission of proposed door between living and hall at first floor level and ground floor opening between hall and front room. Provision of one new door opening in internal wall connecting first floor hall to kitchen. Reduction in proposed opening between hall and principal reception room.
- Detailed drawings of proposed glazed doors in rear elevation at ground and first floor levels
- Window and door survey submitted, indicating condition of each
- Detailed window and door survey
- Method statement for the repair and draft proofing of windows, window surrounds and shutters
- Drawings of proposed service routes to kitchen and bathroom
- Revised drawings showing internal insulating lime plaster removed from internal rear wall at ground floor level
- Material and Methods Statement outlining proposed floor treatments

- Details of proposed deck and stairs. Brick stairs proposed

3.PA's Decision

3.1 The Planning Authority granted permission subject to 10 conditions.

3.1.1 The conditions relate to the following:

1. Standard compliance, including Further Information
2. Conservation expert to be employed
3. Prior to commencement of development revised drawings to be submitted for written approval with following amendments:
 - The removal of the spine wall and an original door and surround and replacement with a crittal style glazed screen on the upper ground floor shall be omitted in its entirety
 - The proposed sanding of historic floorboards shall be omitted
 - A methodology for the proposed storage of the sashes to be submitted.

Reason: In order to protect the original fabric, character and integrity of the Protected Structures and to ensure that the proposed works are carried out in accordance with best conservation practices.

4. Photo samples and render samples to be submitted for written approval
5. Conservation requirements
6. Compliance with Codes of Practice for drainage, roads, and noise
7. Drainage requirements
8. Debris, soil and other material requirements
9. Noise control
10. Hours for building works.

3.1.2 The **Planner's** report (1) recommended Further Information. Report (2) following the submission of Further Information states that the site is within Zone 2 (Residential neighbourhoods – Conservation Area) with the objective to protect and/or improve residential conservation areas. No.24 is a Protected Structure (RPS Ref 1464). The Conservation Office considers that the removal of the entirety of the spine wall would remove the legibility of the historic floorplan in an original area of the building and would compromise the special architectural character of both the reception hall and principal reception room. The entrance hall is one of the most significant spaces and this should be respected. The Conservation Officer considers that the floor plans read as though the floors could be subdivided in the future to contain self-contained apartments. There are no 3rd Party observations. The Planning Department see no objections as the proposed development would not materially contravene the policies and objectives of the Development Plan. Permission is recommended.

3.2 The report of the **Conservation Officer** (CO) following the submission of Further Information states that No.24 is not currently included in the NIAH Building Survey of Dublin, as the NIAH survey for this part of the city has not yet been published. Results are expected in 2025/2026. The CO is of the opinion that No.24 would be of Regional significance for its architectural and artistic importance. The Method Statement and Specification is acceptable. The proposed door between living and hall at upper ground floor level, and the lower ground floor level opening between the hall and front room have been omitted. It is still proposed to remove the central spine wall between the hall and the room to the west at upper ground floor level. The principle of removing primary fabric is not good conservation practice and should be avoided. The removal of the spine wall would alter the legibility of the historic floorplan, and would compromise the special architectural character of the entrance hall and reception room. The removal of the spine wall and door are contrary to Policy BHA2 of the Development Plan. The applicant states that the original pine floorboards are generally in good condition and primarily intact throughout the house. The sanding of floors in Protected Structures is not supported as it would remove the historic patina and fine grain, risk damage and could compromise their structural capacity. They can be cleaned with light detergent and then varnished. The report recommends permission with conditions (including Condition 3 as attached to permission granted).

3.1.3 The **Drainage** report recommends conditions.

4. Planning History.

4.1 None relating to the subject premises on file.

4.2 Other histories referred to in the grounds of appeal, include the following:

Ref: 3111/24 Protected Structure. Permission granted at 13, Charleville Road for development including alterations to internal configuration of rooms on ground floor.

Ref: 2444/15 Protected Structure. Permission granted at 21, Charleville Road for development consisting of opening-up of spine wall to join front and rear rooms to form new family kitchen to lower ground floor level.

Ref: 3476/22 Protected Structure. Permission granted at 71, Leinster Road for development including alteration to basement level internal layout with formation of a new screen wall to the stairwell, new kitchen layout, and provision of folding door to the existing rear snug.

5.1 Planning Policy

5.1.1 **The Architectural Heritage Protection Guidelines for Planning Authorities, 2011**, sets out guiding principles of conservation and restoration.

Section 7.3 refers to Keeping a Building in Use. Section 7.3.1 states that while a degree of compromise will be required in adapting a protected structure to meet requirements of modern living, it is important that the special interest of the structure is not unnecessarily affected.

Section 7.6 refers to Protecting the Special Interest of a protected structure. It states that the character and special interest of a protected structure can be damaged by inappropriate works. Most obviously, a structure can be demolished or partly demolished.

Section 7.7.2 states that in granting planning permission, a planning authority should be satisfied that works are necessary, whether these be repair works to the fabric of the building or adaptations to the structure to allow it to perform a new or enhanced function.

Section 11.2 refers to Elements of the Interior. It states that the Plan-Form of a building is one of its most important characteristics. Where the original planform remains, or is readily discernible, it should be identified and respected. Section 11.22 refers to the Consideration of proposals affecting Plan Form. It states that 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 preferably confined to areas of secondary importance. Wherever possible, the alterations should not change the interrelationships or the proportions of prominent spaces such as entrances, staircases or principal rooms. In a protected structure that retains its original spatial layout, proposals to subdivide the building into several smaller units or to open up a pair or series of rooms to create a larger space should be permitted only in exceptional circumstances.

Section 11.2.18 states that the formation of new openings in existing walls or partitions should be minimised, or avoided altogether. In an interior of quality, this leads to the destruction of existing fabric. Such damage can rarely be satisfactorily reversed.

5.1.2 Advice Series. The Department of Arts, Heritage and the Gaeltacht published a series of Advice Notes, dated between 2007 and 2011. Notes covered Access, Bricks, Energy Efficiency, Iron, Maintenance, Paving, Places of Worship, Roofs, Ruins, Thatch and Windows.

5.1.3 The Dublin City Development Plan 2022-2028 is the operative Development Plan. The site is zoned Z2 Residential Neighbourhoods (Conservation Areas) and the objective is to protect and/or improve the amenities of residential conservation areas. No.24 is a Protected Structure (1464)- house.

Chapter 11 relates to Built Heritage and Archaeology. BHA2 sets out policy in relation to Development of Protected Structures. Policy includes the protection of structures included on the RPS from any works that would negatively impact their

special character and appearance. It is policy to 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.

5.2 Natural Heritage Designations

- South Dublin Bay SAC – c. 4.4km to the east
- South Dublin Bay and River Tolka Estuary SPA – c.4.4km to the east.

6. The Appeal

6.1 First Party Appeal.

6.1.1 The First Party appeal is against Condition 3, and may be summarised as follows:

- It is requested that Condition 3 be omitted in its entirety
- The requirements of the condition have no basis in the Dublin City Development Plan 2022-2028, and the proposed development is consistent with the Architectural Heritage Protection Guidelines for Planning Authorities
- There are a substantial number of precedents throughout Dublin, and particularly in neighbouring and nearly identical structures where the Authority has allowed similar works as those now required to be omitted under the condition. Dublin City Council and An Bord Pleanála have consistently permitted the upgrading and amendment of protected structures to facilitate improvement of functionality
- In 2015, No.21 Charleville Road was granted permission for the opening-up of the spine to join the front and rear living spaces. In 2024, No.13 Charleville Road was granted permission with conditions for replacement of cement render with lime render, the partial removal of an internal wall and reconfiguration of living and dining spaces, and the reinstatement of a rear window opening. In 2022, No.71 Leinster Road was granted permission with conditions for the reconfiguration on internal walls, provision of a conservation roof light, and a new internal folding door. Each of these were permitted by Dublin City Council and An Board Pleanála
- The proposal to remove the spine wall and original door and surround and replacement with a crittal style screen on the upper ground floor is in complete compliance with the Development Plan, having regard to the

existing character of, and openings within, the original house. The proposal would not adversely affect any original decorative features of the house, and the historic significance and valuable period details are all to be retained

- The omission of the sanding of historic floor boards is overly onerous and impractical. The floor boards are in poor condition, and have contemporary finishes. As stated in Further Information response, the floors need treatment, and this can be achieved without damage to existing historic fabric. Sanding and varnishing will ensure extended service life. Other permitted works will require the lifting of the floor boards, and localised repairs will be required
- All proposed works will be overseen by a Grade 3 Conservation Architect with many years of experience

6.2 P.A. Response

6.2.1 None on file.

7. EIA Screening

Having regard to the nature of the proposed works, the location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

8.0 Assessment

8.1 The proposal is for internal alterations and the provision of an external access deck to an existing Protected Structure. The alterations were detailed in a Conservation Report submitted with the application, The gross floor area existing is stated to be 207sqm, the gross floor area proposed is stated to be 4.6sqm, and the site area is 0.055ha.

The proposed development was amended by Further Information received on 13th February 2025. This included the omission of a proposed door between the living and hall at first-floor level, and a reduction in the proposed opening between the hall and principal reception room also at first-floor level and replacement with a crittal type screen.

8.2 The Planning Authority granted permission subject to 10 conditions. Condition 1 related to standard compliance, including Further Information.

8.3 There is a First Party appeal which relates to Condition 3 of the permission granted. This effectively requires the spine wall and original door and surround be retained and its replacement with a crittal style screen at first-floor level to be omitted, omission of proposed sanding of historic floorboards, and a methodology for storage of sashes to be submitted.

8.3 No.24 is a Protected Structure. The site is zoned for Residential Neighbourhoods-Conservation Area with the objective to protect and/or improve residential conservation areas. In principle, the proposed works are permissible within the zoning for the site, and I consider that determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted. I consider that Condition 3 refers to specific elements of the overall proposal and that the appeal may be assessed and decided under Section 139 of the Planning and Development Act 2000, as amended.

Condition 3 under appeal

8.4 This condition reads as follows:

Prior to the commencement of the development, the applicant shall submit revised drawings for the written approval of the planning authority, to show the following changes

- a) the removal of the spine wall and an original door and surround and replacement with a crittal style glazed screen on the upper ground floor shall be omitted in its entirety.*
- b) The proposed sanding of the historic floorboards shall be omitted.*
- c) A methodology for the proposed storage of the sashes to be submitted.*

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

8.5 The planning authority Conservation Officer (CO) notes that this is a Protected Structure but is not currently included on the NIAH Building Survey of Dublin as this part of the survey has not yet been published, but results are expected in 2025-2026. The CO is of the opinion that No.24 would be of Regional significance for its architectural and artistic importance. I submit that the plan form, and plasterwork at upper ground floor level appear to be substantially intact.

Spine Wall

8.6 The Planning Authority requires the omission of the proposed removal of the spine wall and original door and surround, and replacement with a crittal type screen. The Planner's report contends that the entrance hall is one of the most significant spaces in the house and should be respected. The CO report, which informs the planning authority's decision, states that the removal of primary fabric is not good conservation practice and should be avoided. The report states that the removal of the spine wall would alter the legibility of the historic floorplan, compromising the special architectural character of the entrance hall and reception room. The CO contends that the proposal to remove of the spine wall and door are contrary to Policy BHA2 of the Development Plan.

8.7 In response, the 1st Party argues that the condition has no basis in the Development Plan, and the proposed development is consistent with the Architectural Heritage Protection Guidelines for Planning Authorities. It is contended that there are precedents for similar development throughout Dublin and An Bord Pleanála has consistently permitted the amendment and upgrading of protected structures to facilitate improvement of functionality. I consider that the 'precedents' referred to in the grounds of appeal are not directly comparable, and that each case has to be considered on its own merits. The 1st Party contends that the proposal for a crittal type screen would not adversely affect any original decorative features, and the historic significance and valuable period details would be retained.

8.8 By way of Further Information, the 1st Party was requested to reconsider the proposed internal arrangement in a manner that would ensure that the historic fixtures and features and the historic floor plan of the structure remain legible. The request stated that the proposed demolition of the spine wall at first floor level (between the hall and principal reception space to the west) and its replacement with a glazed screen should be omitted. In a letter of response, the 1st Party stated that "rather than removing the full wall as initially proposed, we are now proposing a large doorway between these spaces. The head of the doorway will be kept down at the level of the other doors and it is proposed to provide an architrave on both sides of the wall. The opening will be fitted with glazed sliding doors. The revised design of this opening will ensure that all of the existing features – cornices, mouldings, doors, architraves, etc. are all maintained and the historic floor plan is completely legible". The revised design is illustrated on Drawing 206 submitted with the Further Information on 13th February 2025.

8.9 I submit that the removal of part of the spine wall will alter the legibility of the historic floorplan, and remove part of the original fabric of the dwelling. The Architectural Heritage Protection Guidelines state that a degree of compromise will be required in adapting a protected structure to meet the requirements of modern living. The revised proposal submitted by way of Further Information, is significantly reduced in size and impact compared with the original proposal, and allows for the retention of important

architectural features in both the hallway and primary reception room. The visual relationship between these spaces would be altered to a degree, but I consider that the legibility of the historic floorplan would remain apparent. On balance, I consider that the revised proposal, as submitted in Further Information, is a reasonable compromise in adapting the dwelling to modern living and increasing functionality, and would not be inconsistent with Guidelines or Development Plan Policy BHA2.

Floorboards

8.10 There is conflicting information submitted regarding the condition of the floorboards. In the Further Information submission, it is stated that the original pine floorboards are generally in good condition, and the wide boards are primarily intact throughout the house. The grounds of appeal state that floorboards are in poor condition. From inspection, I noted that floorboards appear generally in good condition.

8.11 It is proposed that all original timber floors will be retained in place and refinished using appropriate protective varnish. It is stated that some areas of original timber floor have become damaged due to shrinkage and high usage, but that gaps in the boards throughout can be repaired without lifting the boards preventing potential damage by applying a flexible wood filler in the gaps. It is proposed that small gaps or cracks will be filled with a timber filler that matches the wood colour and texture. For wider gaps, wooden splints or wedges may be inserted to maintain historical authenticity. It is proposed to sand the boards using fine-grit sandpaper, and then to apply a varnish.

8.12 The Planning Authority contends that the sanding of the floors would remove historic patina and fine grain, and could compromise the floorboards structural capacity. The 1st Party contends that sanding and varnishing will ensure extended service life, and that other permitted works will require the lifting of the floor boards, requiring localised repairs. On balance, I consider that the localised lifting of boards and repairs will be required, and that light sanding of the floorboards and revarnishing, as proposed, is acceptable.

Methodology for storage of sashes

8.13 The condition requires the 1st Party to submit details of a methodology for the storage of sashes. This is a reasonable conservation requirement and should be retained.

Appropriate Assessment

8.14 I have considered the permitted development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area in a suburban location area close to the city centre, separated from designated European sites as detailed in Section 5.2 of this report. The

proposed development consists of internal alterations, and exterior access balcony to a protected structure. No nature conservation concerns are raised. Having regard to the nature of the development, location in a suburban setting, and separation from and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9. Recommendation

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as follows:

Amend condition 3 and the reason therefor to read as follows:

Prior to the commencement of the development, the applicant shall submit for the written agreement of the planning authority, the following:

- a) a methodology for the removal of the portion of the spine wall necessary for the installation of the crittal type screen, and details of the finishes for the screen and associated framing*
- b) a methodology for the proposed storage of the sashes.*

The development shall be carried out in accordance with the written agreement.

Reason: *In order to ensure that the proposed works are carried out in accordance with best conservation practice.*

Reasons and Considerations

Having regard to the nature and extent of the proposal as submitted with the application, and as amended by Further Information submitted to the planning authority on 13th February 2025, and the Z2 zoning Residential Neighbourhoods (Conservation Areas) as set out in the Dublin City Development Plan 2022-2028, it is considered that the proposed development would represent a reasonable compromise in adapting the protected structure to modern living with increased functionality, would be consistent with the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, and would be in accordance with the proper planning and sustainable development of the area.

Des Johnson

Planning Inspector

Date: 14th June 2025

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.

Form 1
EIA Pre-Screening

An Bord Pleanála	322191-25		
Case Reference			
Proposed Development Summary	Internal works to Protected Structure, and external access deck.		
Development Address	24, Charleville Road, Rathmines, Dublin 6, D06 F7Y5.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Yes
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	No		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No		
Yes		

Inspector: _____ **Date:** _____