



An
Coimisiún
Pleanála

Inspector's Report PL-501478-DN-26

Development

PROTECTED STRUCTURE:

RETENTION & PERMISSION:

Reinstate of attic accommodation above 60 Talbot St and connection to pre-existing attic in 59 Talbot St. Original hipped and pitched Welsh slate to be reinstated with external and internal alternations to both buildings.

Location

59 & 60 Talbot Street, Dublin 1

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

WEB1608/26

Applicant(s)

Ken Mulvaney

Type of Application

Retention

Planning Authority Decision

Split Decision

Type of Appeal

First Party Planning Appeal

Appellant(s)

Ken Mulvaney

Observer(s)

None

Date of Site Inspection

03/09/26

Inspector

Donal Farrelly

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1.0 Site Location and Description

- 1.1. The appeal site is located at No.'s 59 and 60 Talbot Street. The two historic buildings are located at the junction of Talbot Street and Talbot Place, south of Talbot Street and between Talbot Place and the existing railway line. Building no. 59 is a protected structure (RPS 7992). The appeal site is also located within an area of archaeological significance.
- 1.2. The appeal site is located in a mixed use city centre location with businesses located predominantly on the ground floors of surrounding buildings and residential uses on upper floors. Molloy's Bar is located on the ground floor of no. 59 and a launderette is located on the ground floor of no. 60.
- 1.3. The existing basement area of both of the buildings (No.'s 59 and 60) contain bar stores and have an interconnecting doorway with stairs leading to the ground floor of No. 60. The ground floor does not have an interconnecting doorway between No's. 59 and 60. A bar area is located on the ground floor of No. 59 with a separate shop located at No. 60.
- 1.4. A separate apartment entrance is located off Talbot Place which provides access to the apartments on the upper floors. An internal staircase connects to the attic level, which is the apartment subject to the appeal. The attic apartment is a three bedroom unit which has an interconnecting doorway between No's 59 and 60. Another separate entrance off Talbot Street provides upper floor access to apartments on the first and second floors of No. 59.

2.0 Proposed Development

- 2.1. The proposed development comprises a number of elements for retention and for planning permission. No. 59 is a protected structure. No. 60 is not a protected structure.
- 2.2. The elements for retention include the following.
 - Reinstatement of attic accommodation above no. 60 which includes a rear flat roof extension.
 - Internal connection between the attic floors of no's. 59 and 60.

2.3. Permission is also sought for the following.

- Reinstall sloped hipped and pitched Welsh slate roof over no. 60. New window to form part of the roof.
- Paint removal and repointing works to both no's 59 and 60.
- New parapet railings to no. 60 and parapet railings to be restored for no. 59.

3.0 Planning Authority Decision

3.1. Decision

A split decision was issued by Decision Order dated 08/05/2026. The grant permitted reinstatement of cast and wrought iron decorative railings to the parapet of No. 60 Talbot Street and the refurbishment of the existing railings over No.59 Talbot Street, the restoration including paint removal and repointing works to the existing historic brickwork of both buildings.

The refusal reason is regarding the following.

- 3.1.1. *By reason of its scale, bulk, siting and materials, the unauthorised works at No. 60 Talbot Street have resulted in a seriously injurious impact on the special architectural character and legibility of the Protected Structure at No. 59 Talbot Street (RPS Ref. 7992) and its prominence at the junction of Amiens Street and Talbot Street. The proposed construction of a hipped roof with a roof window on the street-facing slope would not represent a reinstatement of the historic roof form and would have a seriously injurious impact on the special architectural character of the Protected Structure at No. 59 Talbot Street and the historic building at No. 60 Talbot Street. The proposed retention of attic accommodation and construction of a hipped roof to the front of No. 60 Talbot Street and flat roof extension to the rear would give rise to a seriously and injurious adverse visual impact on the setting and architectural character of the subject Protected Structure contravening policies BHA2 (b), (d) and (e) of the City Development Plan 2022-2028 and would set an undesirable precedent for similar developments and would therefore be contrary to the proper planning and sustainable development of the area.*

- 3.1.2. Conditions

The grant of permission subject to 6 no. conditions is regarding *'the reinstatement of cast and wrought iron decorative railings to the parapet of No. 60 Talbot Street and the refurbishment of the existing railings over No.59 Talbot Street, the restoration including paint removal and repointing works to the existing historic brickwork of both buildings'*. Condition 2 is regarding the conservation works required for the planning permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Report of Planner dated 01/05/2026 recommends a split decision. A refusal is recommended for the retention and permission for the flat roof extension to the rear and reinstatement of attic accommodation at No. 60 Talbot Street. The connection to the attic space of No. 59 and the proposed construction of a hipped roof with window on the street facing slope of No. 60.
- A grant of permission is recommended for the reinstatement of parapet railings to No 60 and refurbishment of railings of No. 59. Paint removal and repointing to brickwork of both buildings. Condition no.2 is of note, which requests how the conservation works are to be carried out for the 2 no. buildings.

3.2.2. Other Technical Reports

- Archaeology. No response.
- Drainage Division. No objection.
- Conservation Officer. A split decision is recommended. Refusal is recommended based on the scale and bulk and unauthorised work on No 60 which impact on the Protected Structure at No. 59 Talbot Street. The pitched roof with a roof window would not represent the reinstatement of the historic roof form.
- Permission is recommended subject to conditions for the refurbishment of the parapet railings of No. 59 and reinstatement of the parapet railings of No. 60 and removal of paint and repointing works to the historic brickwork.

3.3. Prescribed Bodies

Iarnrod Eireann. Observations provided regarding construction works near the railway infrastructure.

TII. No observations. S49 levy should be payable if applicable.

Irish Water. No response received.

National Transport Authority. No response received.

The Heritage Council. No response received.

Department of Housing, Local Government and Heritage. No response received.

Faite Ireland. No response received.

An Chomhairle Ealaíon. No response received.

An Taisce. No response received.

3.4. Third Party Observations

None

4.0 Planning History

Planning reference no. 4206/24 (No's 59 and 60). RETENTION PERMISSION for indefinite retention of a third-floor flat roof extension/terrace area above No. 60 Talbot St, Mountjoy, Dublin 1, D01 R278 that is accessed from the top floor apartment at No. 59 Talbot St (Mollys B&B), Mountjoy, Dublin 1, D01 K298 (Protected Structure - RPS Ref: 7992). Retention permission refused on 21/10/24 regarding the construction of a roof extension over No. 60 and construction of a link enclosure on the roof of no. 59.

The planners report outlined a number of concerns with the majority of these also identified within the Conservation Officers Report, with these concerns forming the reason for refusal. These concerns are as follows

- The works would consolidate unauthorised development.
- There was no input from a heritage specialist regarding the works to the buildings.

- The drawings do not include all details including the cast iron balustrade above the parapet of No. 59.
- The construction of the attic link impacts on the character of the streetscape. Unclear to the extent of damage to the protected structure as a result of this.
- Height of the roof extension sits approx. 700mm above the existing ridge height of No. 59
- Details unclear regarding the front terrace, and the west facing window of no.59 regarding sunlight and if this is a habitable room.
- The extension and terrace have added visual clutter which has detracted from the legibility and prominence of the special cast-iron detail above the parapet of No. 59.
- The use of a modern timber cladding on the exterior of the extension and uPVC windows is not appropriate for the setting of a protected structure.
- A survey and assessment of the existing internal alterations and opening up works has not been provided.

Planning reference no. 4589/23 (No. 60). RETENTION sought for the indefinite retention of rooftop single storey flat roof extension. Application invalid

Planning reference no. 2998/99 (No. 60). Duplex apartment on first and second floors with separate entrance from street. Refused permission on 21/02/00 for size and lack of private open space and refuse areas.

Planning reference no. 2330/99 (No. 60). Two apartments over existing shop with new shop front. Split decision issued 28/09/99. Refusal included apartments sizes and lack of open space and refuse areas.

Planning reference no. 2470/98 (No. 60). Duplex apartment on first and second floor with separate entrance from street and new shop front. Permission granted 06/10/98.

Planning reference no. 1762/96 (No. 59). Alterations and extension to existing premises comprising; (a) reorganisation of ground floor bar and lounge areas; (b) additional public accommodation at first floor level including provision of new public toilets; (c) provision of void with balcony at first floor level; (d) new main lounge

entrance from Talbot Place; (e) minor alterations to external elevations all at Molloy's Public House. Permission granted on 13/12/96.

5.0 Policy Context

5.1 Development Plan

The Dublin City Development Plan 2022-2028 (Development Plan) is the relevant Development Plan for the appeal site. The subject site is zoned 'Z5 City Centre' as per the Development Plan. 'Residential' is a permissible use in principle within the Z5 zoning objective. The site is located within a zone of Record of Monuments and Places (RMP) (ref DU018-020) and is located north of but not within a Conservation Area. No 59 Talbot Street is identified as a Protected Structure (RPS reference no. 7992)

I consider the following objectives and policies to be most relevant to the appeal. The policies outlined in bold under BHA2 represent those policies which formed the reason for refusal.

Chapter 4 Shape and Structure of the City

Policy SC3 Mixed Use Development. To promote a mixed-use land use policy in the city centre, including the provision of high quality, sustainable residential development, and facilitating the conversion of both old office buildings and over shop spaces to residential

Chapter 11 Built Heritage

Policy BHA2. That development will conserve and enhance protected structures and their curtilage.

(a) 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.

(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.

(d) 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.

(c) 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.

(d) 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.

(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.

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

BHA4. To have regard to the National Inventory of Architectural Heritage (NIAH) rating of a structure and any associated Ministerial Recommendation in the assessment of planning applications.

Policy BHA11. Rehabilitation and Reuse of Existing Older Buildings

(a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.

(b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.

(c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.

Chapter 15

Section 15.5.3 Alterations, Extensions and Retrofitting of Existing Non – Domestic Buildings. ‘Works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced and environmental performance and accessibility of the existing building stock improved’.

Section 15.9 Apartment Standards. ‘All apartment developments should make a positive contribution to the local area in terms of public open space and / or public realm improvements and should provide long term living environments for future residents through quality communal amenity spaces and attractive and sustainable internal units.’

Section 15.13.6 Living Over the Shop. ‘Dublin City Council will actively encourage the development of residential accommodation over existing commercial premises.’

Section 15.15.2.3 Protected Structures. ‘Any works which materially affect the character of a Protected Structure require planning permission’.

‘Works to a protected structure should be carried out 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’.

5.2 National/Regional Plans/Policies

National Planning Framework (First Revision)

National Policy Objective 90. Enhance, integrate and protect the special physical, environmental, economic and cultural value of built heritage assets, including streetscapes, vernacular dwellings and other historic buildings and monuments, through appropriate and sensitive investment and conservation.

RPO 9.30. *Support the sensitive reuse of protected structures.*

5.3 National Guidance

Planning Design Standards for Apartments 2025. Provides guidance on apartments design in housing and mixed use developments.

Architectural Heritage Protection Guidelines for Planning Authorities 2011.

Chapter 6 Development Control

6.14 Retention Permission.

6.14.1. Some protected structures have been previously altered in an unauthorised and unsatisfactory way. In some cases it will be desirable and possible to restore structures to their original character by identifying their previous design from careful inspection of the fabric and from historical evidence such as old photographs. In cases where some or many of the external features of the structure (such as original doors and windows) have been removed, or an unauthorised extension or new structure has been built within the curtilage of the structure, retention permission with mitigating conditions attached could be acceptable, depending on the individual circumstances.

Chapter 9 Roofs

9.2.8. Where the original shape of the roof has been previously unsympathetically altered, the opportunity could be taken to reinstate the earlier form of the roof, thus restoring the integrity of the structure. However, any such restoration should be based upon firm evidence of the original state. Where a new roof is proposed, the design of the replacement should be sympathetic to the character and special interest of the building and not detract from the overall appearance.

9.2.9. here a roof or its components have been removed, poorly repaired or altered inappropriately, the reversal of unsatisfactory later work could be undertaken. However, any such restoration work should be based upon firm evidence of the original state of the roof or element using old photographs, drawings, or other reliable information.

9.4.22. Where it is proposed to install new dormers or rooflights, the extent of potential damage to historic roof structures should be considered. If the building is part of a terrace, the proposed addition may upset the balance of the whole architectural composition. New rooflights and dormers on minor or concealed slopes may be considered acceptable in some cases.

National Built Heritage Service National Inventory of Architectural Heritage (NIAH)

Molloy's, 59 Talbot Street, Dublin 1. Reg No 50010141. Rating- Regional

Appraisal

Several decorative elements enliven the façade of this Victorian public house, including decorative cast-iron railings to the parapet, echoed in the window balconettes. The rendered shopfront, with its bosses, busts and floriated cornice and capitals, is particularly aesthetically pleasing. Timber sash windows are retained throughout, providing architectural interest and historical context. It forms a part of a group including records 50010577 and 50060576. The building is prominently sited at a corner on Talbot Street, and its position, scale and large, well-executed shopfront make it a formidable presence on the streetscape.

Clean City Laundrette, 60 Talbot Street, Dublin 1. Reg No 50010142. Rating- Regional

Appraisal

Although it has been somewhat altered with the addition of a recent shopfront, this pleasant building retains much of its original form to the upper floors including its decorative cornice over the shopfront and cast-iron balconettes which add considerable artistic interest to the façade. It maintains the parapet height and fenestration rhythm of the building to the east, although the railway viaduct disrupts the terrace to the west.

5.4 Natural Heritage Designations

The appeal site is located circa 1.8km southwest of the South Dublin Bay and River Tolka Estuary SPA (004024).

Proposed Natural Heritage Areas

The appeal site is located circa 700m southwest of the Royal Canal (002103)

6.0 EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. [Refer to Form 1 in Appendix 1 of report].

7.0 The Appeal

7.1. Grounds of Appeal

A first party planning appeal has been submitted by David Slattery Consultants acting on behalf of the appellant. This submission also includes photographs and the Planning Authority decision and is summarised as follows.

- The planning application is to address an enforcement notice.
- No objection to the grant of permission conditions.
- Works are proposed to consolidate the character and legibility of no's. 59 and 60.
- There are a number of infrastructure items that contribute to visual clutter on the street which obscures the building from view from the Talbot and Amien street junction. This reduces their prominence at street level.
- The roof extension over no.60 does not reflect the historic roof. The roof profile of both buildings has been altered. The proposed alterations to no. 60 will restore the street character and close up significance of the buildings. The rear extension forms part of the back of house/backlands which are subject to constant change.
- A restored front hipped roof with an area of patent type glazing reinforces the character of no.60 in tandem with other works proposed. The previous historic pitched roof was replaced with a flat roof in the 20th century.
- The development also enables use of attic space for residential use.

- The two buildings (no's. 59 and 60) have been interconnected for a number of years. The cellar bar comprises the basement of both buildings.
- The historic 19th century roof may have been a continuous terrace, or a separate pitched roof and hipped roof with parapets, or a combination of both. The removal of the pitched roof of no. 60 is most notable. The reinstatement of the roof profile would restore the character of no. 60 and interrelationship with both buildings and with the street setting. The insertion of a glazed attic window in the front slope is not an unexpected intervention had it retained its roof.
- The AHIA report identifies the rear setting to be of low significance and is not a character setting of historic significance. This is out of view, and the front hipped profile supports the roof configuration of no. 59. The hipped roof would involve the removal of the non-permitted roof terrace of no. 60 and extend the cast iron parapet railings along the front.
- Any impact of the extension would be focused on the rear and therefore it is difficult to accept that the impact is anymore than minor.
- The Conservation Officer outlines that the hipped roof on no. 60 would be an improvement to the street setting. The form of the front hipped roof of no. 60 is consistent whether it has a roof window or not.
- Visibility of the pitched roof element from the street will be restricted due to lack of visibility as a result of a variety of elements including the railway bridge.
- Above views from windows to the rear, and rear setting views are not protected views.
- The set back of the rear extension does not result in any impact at street level. It improves the amenity of the attic apartment in no. 59, which was previously sub-standard accommodation. It supports the owner who sustains the protected structure and maximises residential living above a commercial use.
- Materials adopted are appropriate and alterations reduce the scale, massing, and height in respect of impact on the streetscape.

- The impact to no. 59 as a result of the walkway connection is minor. Steps connect the two spaces of no's. 59 and 60.
- Regarding concerns on rear views of the extension. If required the appellant outlines a willingness through condition to change materials on the rear extension to a lead or zinc cladding, and PVC windows to be replaced with aluminium or timber casements.

7.2. Planning Authority Response

- Letter received dated 23/06/26 which requests that the Planning Authority decision is upheld, and that if permission is granted that a condition is included regarding s48 contributions.

7.3. Observations

- None

7.4. Further Responses

- None

8.0 Assessment

8.1. Having reviewed the application details and all other documentation on file including the submission received in relation to the appeal and the report of the local authority. I have also inspected the site, and I have had regard to the relevant local/regional/national policies and guidance. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Design and impact on protected structure
- Other external works
- Other matters

8.2. Principle of development

- 8.3. The first party appellant is appealing the refusal element of the decision notice planning reference no. **WEB1608/26**. This is regarding the retention of the attic accommodation of no. 60 Talbot Street (not a protected structure but identified within the NIAH database 50010142) and connection to no. 59 Talbot Street (a protected structure) and the proposed construction of a front hipped roof with a roof window for no. 60.
- 8.4. I am of the opinion that the entire decision needs to be reviewed as the main elements of the development have in effect been refused.
- 8.5. The zoning objective for the appeal site is Z5 City Centre' as per the Development Plan. 'Residential' is a permissible use in principle within the Z5 zoning objective. I consider that the attic accommodation constitutes residential use and is therefore permitted in principle within the Z5 zoning objective. The design of the proposed development will also be assessed within this report.
- 8.6. Having regard to the 2025 Apartment Design Guidelines I am satisfied that the total area of the apartment will satisfy the minimum requirements for a 3 bedroom unit. I am generally satisfied regarding the room sizes and layout of the apartment, but I note the following.
- Bedroom (identified as T06 on the floor plans) is approximately 6.8m² which is below the 7.1m² minimum standard of the 2025 Guidelines.
 - Bedroom (T11) is below the standards of said Guidelines, however when the ensuite is included the bedroom exceeds the standards for a double bedroom.
 - Storage provision is below what is required for a 3 bedroom unit.
 - No private amenity space is provided.
- 8.7. However, notwithstanding the above I have considered the constraints associated with the attic space including the internal space limitations of the protected structure of no. 59 and lack of private amenity space in the form of a balcony. On balance I am of the opinion that the shortfall in room sizes is not significant and I am satisfied in this instance due to location of the apartment in the city centre, and the provision of two no. living rooms in a dual aspect apartment, that residential amenities will not be significantly impacted as a result.

- 8.8. Having regard to the above I am therefore of the opinion that the apartment design satisfies the 2025 Apartment Guidelines.
- 8.9. **Design and impact on protected structure**
- 8.10. I note that significant more detail and clarity has now been provided in the current planning submission than was provided within the previous submission **4206/24** which was refused. This includes more detailed drawings on the internal attic layout and connection between no's. 59 and 60, the submission of a heritage impact assessment, a revised design that removes the front balcony and includes a hipped roof and window to no.60, reinstatement of the cast iron railing to the parapet of no. 60, and external repointing and paint removal works.
- 8.11. I note the 1950s photographs (Fig 31 and 32) included in the heritage impact assessment submitted to the Planning Authority which indicate a historic hipped roof on no. 60.
- 8.12. The appellant argues that the reinstatement of the hipped roof helps to restore the continuity of the historic roof terraced elements of both no. 60 and the adjacent protected structure of no. 59 and will positively impact on the streetscape. They also outline that the inclusion of the roof window is not untypical in a hipped roof of this nature.
- 8.13. I note the report of the Conservation Officer outlines that the construction of a pitched roof to no. 60 would be a positive contribution to the street but the ridge would be higher than that of the adjacent protected structure no. 59 and would also contain a window, and that this would not constitute a reinstatement of the original roof form. The Conservation Officer outlines that it is not clear how visible the development would be from the street but that it would be visible from surrounding buildings. The Conservation Officer also raises concerns with the flat roof rear extension which would be unsympathetic to no. 60 and would impact on the protected structure of no. 59.
- 8.14. The elevation drawings submitted to the Planning Authority outline that the proposed rear flat roof extension and hipped roof to the front of no. 60 are taller than the adjacent flat roof and hipped roof of the protected structure of no. 59. The section drawing submitted to the Planning Authority outlines the internal steps which connect the kitchen area of no. 59 to the living room area of no. 60, which is located higher

than the attic floor level of no. 59. The floor to ceiling heights of both no. 59 and no. 60 are 2.4m.

- 8.15. I acknowledge the characteristics and special interests of the protected structure at no.59 as identified with the NIAH. I am of the opinion that the taller ridge level of no. 60 compared with no. 59 will not be highly visible from the street level due to the backward sloping nature of the proposed hipped roof of no. 60, and the presence of obstacles such as the railway bridge and street trees which obscure views from the street level. As this is a city centre location I am of the opinion that this difference in ridge levels would be visible from surrounding buildings in the area. However, as no. 60 is not a protected structure, I consider the street view to be of importance in terms of architectural treatment and design of the roof of no. 60 and how this integrates with the roof of no. 59 at the front of the building. It is clear from the drawings and photographs of the heritage impact assessment submitted to the Planning Authority that this difference in ridge levels is to support appropriate accommodation standards with respect to the 2.4m floor to ceiling height in no. 60. I also consider the reinstatement of the roof terrace formation to be a positive contribution to the built form.
- 8.16. I do not consider the backland views of the proposed rear attic flat roof structure of no. 60 to be significantly relevant when assessed or viewed from the street level. I am satisfied that this structure would not be visible from either Talbot Street or Talbot Place. Although it would be visible from surrounding buildings I do not consider that this scenario would be any different to any other rear extension to a building located within the city centre. I do not consider rear views to be significant in this instance as no. 60 is not a protected structure and I do not consider that it will impact on no. 59.
- 8.17. I consider Policy SC3 and s15.13.6 of the Development Plan to be relevant in that it encourages more opportunities with respect to living over shops. I consider the use of the attic space of no. 60 for an apartment and the internal attic connection between no's 59 and 60 to be relevant to this policy. The inclusion of the roof window on the hipped roof of no. 60 supports the internal habitable spaces of the apartment. I do not consider the inclusion of the roof window to result in a significant visual impact considering the existing dormers and roof terraces on surrounding buildings. I consider the inclusion of a window to be a reasonable solution to support satisfactory

habitable spaces within the attic space of no. 60. I also note that the proposed hipped roof and window will replace the existing balcony.

- 8.18. On balance and having regard to the above I am of the opinion that the inclusion of the front hipped roof and window on no. 60 constitutes a significant improvement on the current flat roof attic development of no. 60, and the hipped roof will reflect the historic roof. I consider the rear flat roof extension of no. 60 and internal attic connection between no's 59 and 60 to be appropriate and that this will not impact on the visual amenities of the area or injure the protected structure of no.59.
- 8.19. I am satisfied that the development would be in accordance with Policy BHA2 of the Development Plan with respect to works which do not have a negative impact on the special interests of the protected structure, and Policy BHA11 which encourages the reuse and reinstatement of the original fabric of existing older buildings. I am also satisfied that the works would be in accordance with Chapters 6 and 9 of the 2011 Architectural Heritage Guidelines with respect to the retention permission and restoring the terraced roof line of no. 60 to its historic hipped roof configuration. I consider that there is no significant impact on the protected structure having regard to the multiplicity of roof types in the vicinity.
- 8.20. I therefore recommend to the Commission that the application be granted planning permission subject to conditions regarding the conservation and restoration works.
- 8.21. **Other external works**
- 8.22. I also note other external works which include the removal of external paint to no's. 59 and 60, repointing of brick work of both buildings, and the reinstatement of a cast iron railing to the parapet of no. 60. I note that these elements of the proposed development were granted permission by the Planning Authority subject to conditions. I note the appeal submission which outlines no objection to the planning conditions associated with these works.
- 8.23. I note the Conservation Officers report also recommends that these proposed works be granted permission. I consider that these works constitute restoration to the historic buildings and I consider them to be acceptable.

8.24. **Other matters**

- 8.25. The appellant outlines that the planning application is to address an enforcement issue. I consider any unauthorised development an enforcement issue and any matter of enforcement falls under the jurisdiction of the Planning Authority.

9.0 **AA Screening**

- 9.1. I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located at no's 59 and 60 Talbot Street, Dublin 1 approximately 1.8km southwest of the South Dublin Bay and River Tolka Estuary SPA (004024).

The retention permission is to reinstate attic accommodation and a rear extension over no. 60, and internal connection between no.'s 59 and 60. Permission is sought for a sloped roof with window over no. 60, and installation and repair of railings to the parapets of no's 59 and 60. Paint removal and repointing is also proposed.

No nature conservation concerns were raised in the planning appeal.

Having considered that minor construction works are proposed, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Water Framework Directive**

- 10.1. An assessment of the development for retention has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.

The development connects to the foul and water mains.

Having considered that minor construction works are required, it is concluded that the proposal does not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

The development does not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend to the Commission that permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to:

- The provisions of the Dublin City Development Plan 2022-2028, including Policy BHA2 which outlines that development in the vicinity of a protected structure should be appropriate and not negatively impact the protected structure, and that uses are compatible with the protected structure.
- Policy SC3 of the Development Plan which encourages living over shops in the city.
- Chapters 6 and 9 of the 2011 Architectural Heritage Protection Guidelines for Planning Authorities in that works to restore structures to their original character is desirable.

It is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the adjacent protected structure or visual amenities of the area. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained and 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 proposed finishes to the hipped roof and roof window of no. 60 shall be agreed in writing with the Planning Authority prior to the commencement of development

Reason: In the interest of visual amenity

3. The developer shall comply with the following.

a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works 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 fabric and the curtilage of the Protected Structure.

b) The proposed 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 off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- 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.

c) The new parapet railings shall match the existing on No. 59.

d) The proposed paint removal and repointing works shall be carried out by a specialist contractor with proven expertise in repointing historic buildings.

e) Once scaffolding has been erected, the applicant shall identify by inspection of each elevation for any remnants of original pointing and the presence or lack of a colour wash or raddle coat to inform the appropriate re-pointing method for the building. The new joint shall match the original. The building joint with the adjoining building shall require special attention in the re-pointing works. In advance of works commencing on site, the Planning Authority shall be given the opportunity to inspect the brick façades in order to identify brick pointing defects at close quarters and to agree a preferred solution to any brick pointing repairs required, which shall be led by best conservation principles. Samples of brick cleaning, materials and site exemplars of site workmanship shall be provided for inspection by and written approval of the Planning Authority.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at No. 59 Talbot Street and the historic building at No. 60 Talbot Street, and the wider streetscape, and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 4. All foul sewage and soiled water shall be discharged to the public foul sewer.

Reason: In the interest of public health

5. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

6. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by the Planning Authority.

Reason: In order to safeguard the amenities of adjoining residential Occupiers

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

8. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'

Reason: In order to ensure a satisfactory standard of development, in the

interests of residential amenity.

9. 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 Coimisiún 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.

10. The developer shall pay to the planning authority a financial contribution 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 Coimisiún 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.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way."

Donal Farrelly
Planning Inspector

24/09/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501478-DN-26
Proposed Development Summary	The elements for retention include the following. • Reinstate attic accommodation above no. 60 which includes a rear flat roof extension. • Internal connection between the attic floors of no's. 59 and 60. Permission is also sought for the following. • Reinstate sloped hipped and pitched Welsh slate roof over no. 60. New window to form part of the roof. • Paint removal and repointing works to both no's 59 and 60. • New parapet railings to no. 60 and parapet railings to be restored for no. 59.
Development Address	No.'s 59 and 60 Talbot Street, Dublin 1
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and	

landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	

☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____