Inspector's Report

PL501641-DN-26

Development	Protected Structure, Retention and Permission: Removal of original internal door, frames and architraves; installation of fire alarms, emergency lights, fire alarm panel, Wifi Extender and CCTV with all associated site works
Location	37, Drumcondra Road Upper, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1270/26
Applicant(s)	Rossblue Management Ltd.
Type of Application	Retention & Permission
Planning Authority Decision	Grant Retention and Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Patrick Farrell
Observer(s)	
Date of Site Inspection	13th September 2026
Inspector	Andrew Hersey

1.0 Site Location and Description

1.1 The appeal site is located at No. 37 Drumcondra Road Upper, Dublin 9, on the western side of the road, south of its junction with Home Farm Road. It has a stated area of 0.050 hectares and is bounded by No. 35 to the south, No. 39 to the north and a rear laneway to the west.

1.2 The property, known as ‘Fernside’, comprises a two-storey red-brick period house with attic accommodation, a two-storey front bay and a rear return. It is set behind a small railed forecourt and has a long, predominantly hard-surfaced rear garden with a single-storey garage/outbuilding accessed from the laneway.

1.3 The house is a protected structure (RPS 2370) as listed in the Dublin City Development Plan. The surrounding area comprises a mix of residential, commercial and institutional uses, with period houses characterising the immediate streetscape.

1.4 The further information response states that the property accommodates one person with a disability, with four residents intended. The submitted plans show five bedrooms over three levels, together with shared living and kitchen facilities.

2.0 Proposed Development

2.1 Retention permission is sought for the removal of original internal doors, frames and architraves; the installation of fire alarms, emergency lighting, a fire alarm panel, Wi-Fi equipment, CCTV and associated internal wiring; and external lighting and CCTV to the front and rear of the property.

2.2 Permission is also sought to replace non-original internal doors, frames and architraves with new fittings in the style of the originals, together with associated ancillary works.

2.3 Following further information, the proposal was revised to include alternative external light fittings, removal of the external Wi-Fi antenna and removal of the standalone front CCTV camera and the camera and wiring at first-floor level to the

rear. The existing integrated camera and keypad beside the front entrance would be retained. The revised drawings indicate no alterations to the internal layout.

3.0 Planning Authority Decision

3.1 Decision – Grant Permission on the 4th June 2026subject to the following conditions. The following conditions are relevant to the appeal;

- Condition 1: Requires compliance with the submitted particulars, as amended by further information received on 8th May 2026, and limits the permission to development adequately described in the public notices.
- Condition 2: Restricts the use to residential accommodation or a residence for persons with disabilities or mental illness and their carers. Subdivision, commercial tourist accommodation, short-term letting or use as a homeless accommodation hub requires prior planning permission.
- Condition 3: Requires conservation expertise to oversee the works, agreement of samples of replacement doors and architraves, time-controlled lighting and protection of historic fabric.
- Conditions 4–7: Address compliance with Council codes of practice, construction hours, noise control and keeping adjoining streets clear of construction debris.

3.2 Planning Authority Reports

3.2.1 The initial Planner's Report sought further information concerning the use and planning status of the property, occupancy and bedroom layouts, and conservation matters relating to joinery, lighting, Wi-Fi equipment and CCTV.

3.2.2 Following receipt of further information, the Planner accepted the clarification of the residential care use and considered the revised proposals satisfactory. Permission and retention permission were recommended, subject to conditions controlling the use and safeguarding the protected structure.

3.3 Other Technical Reports

3.3.1 The Conservation Officer's reports dated 18th March and 20th May 2026 addressed the loss of historic joinery and the effects of replacement fittings and services on the protected structure. A grant subject to conservation conditions was recommended.

3.3.2 The Drainage Division's report dated 2nd March 2026 raised no objection.

3.4 Prescribed Bodies

3.4.1 An Taisce requested assessment against the Development Plan's built heritage provisions, having regard to the concerns raised in third-party submissions. The Planner's Report records that no comments were received from Uisce Éireann.

3.5 Third Party Submissions

3.5.1 Seven third-party submissions were received from Adrienne Mc Auley, Cliona Fanning, Jennifer Burke, John Thomas Burke, Morgan Jones, Patrick Farrell and Rosie Hand. The principal matters raised are summarised below.

3.5.2 Architectural heritage: The submissions highlight the architectural and historical significance of the protected structure, including its association with the War of Independence. They object to the removal and disposal of original doors, frames and architraves, which are considered integral to its character. Concerns are also raised that modern lighting, security equipment and associated installations detract from the building's appearance and setting. Several submissions seek refusal of retention permission and restoration of the property under conservation supervision, with evidence confirming the satisfactory completion of reinstatement works.

3.5.3 Use and planning status: Jennifer Burke, John Thomas Burke and Patrick Farrell question reliance on the Class 14(f) exemption, having regard to the protected status of the building and the works requiring permission. They request clarification of the lawful use and appropriate enforcement action where warranted. Patrick Farrell disputes the stated residential care use, contending that the property

operates as temporary or emergency accommodation. He also questions whether the public notices adequately describe the extent of the works and alleged change of use.

3.5.4 Residential amenity: Morgan Jones and Rosie Hand, both of No. 35 Drumcondra Road Upper, raise concerns regarding intrusive external lighting, which they state operates continuously, causing light pollution and disturbance to wildlife. They also contend that the pole-mounted Wi-Fi equipment in the rear garden interferes with their domestic internet service. Both refer to alleged incidents of antisocial behaviour associated with the use of the property, including incidents requiring Garda attendance.

3.5.5 Wider area: Patrick Farrell raises concerns regarding the concentration of temporary and emergency accommodation locally and its alleged effects on community balance, pressure on services and the availability of family housing, student accommodation and visitor accommodation. He also questions the adequacy of planning enforcement, building control and fire-safety oversight.

3.5.6 Policy and restoration: Cliona Fanning and Jennifer Burke refer to Drumcondra's identification as a historic approach to the city and the Development Plan's heritage protection objectives. Cliona Fanning specifically seeks removal of the front emergency lighting. The submissions generally contend that granting retention would undermine protection of the building, with Rosie Hand also raising concern about the precedent for other protected structures

4.0 Planning History

4.1 Subject Site

4.1.1 Reg. Ref. WEB1249/26: An application for permission and retention permission for substantially the same development was lodged on 6th February 2026 and declared invalid on 9th February 2026. The reasons related to the description of the permission sought on the site notice and deficiencies in drawing labelling and dimensions.

4.2 Surrounding Sites

4.2.1 Reg. Ref. 3053/20 – No. 35 Drumcondra Road Upper: Permission granted for a single-storey rear extension and associated site works.

4.2.2 Reg. Ref. WEB1912/24 – No. 43 Drumcondra Road Upper: Permission granted for a first-floor rear extension, roof alterations, internal alterations and associated works.

4.2.3 Reg. Ref. 3045/21 – Nos. 116–120 Drumcondra Road Upper: Permission granted for amendments to previously permitted student accommodation, increasing the number of bedspaces from 98 to 114, with alterations to the café and associated works.

4.3 Enforcement History

4.3.1 Ref. E0348/25: An enforcement file was opened on 7th May 2025 concerning alleged unauthorised works to the protected structure. A warning letter issued on the same date. The Planner's Report records that the investigation remained open at the time of its assessment.

5.0 Policy Context

5.1 Dublin City Development Plan 2022–2028

5.1.1 The relevant statutory plan is the Dublin City Development Plan 2022–2028, as varied. The site is zoned Z1 – Sustainable Residential Neighbourhoods**,** with the objective *'To protect, provide and improve residential amenities'*. Residential use is permissible under this zoning.

5.1.2 The property is included in the Record of Protected Structures under reference 2370**.**

5.1.3 The following provisions of Chapter 11 of the Plan are relevant to the appeal:

- Section 11.5.1 – The Record of Protected Structures: Addresses protection of interiors, fixtures, fittings and curtilage, together with the effects of alterations and changes of use on historic fabric.
- Policy BHA2 – Development of Protected Structures**:** Requires conservation of the building's special character, protection of historic fabric and interiors,

appropriate conservation expertise and compatibility of new or adapted uses.

- Policy BHA11 – Rehabilitation and Reuse of Existing Older Buildings**:** Supports appropriate reuse, retention or reinstatement of original features and suitable repair materials.
- Policy BHA24 – Reuse and Refurbishment of Historic Buildings: Encourages careful refurbishment for sustainable and economically viable uses.

5.1.4 The relevant development standards include:

- Section 15.15.2.3 – Protected Structures: Sets out requirements for proposals affecting protected structures.
- Section 15.15.2.7 – Fire Safety Works and Protected Structures: Requires a coordinated approach to fire protection, guided by minimum intervention and reversibility where achievable.
- Section 15.15.2.8 – Lighting of Protected Structures and Buildings in Conservation Areas: Requires lighting sensitive to architectural character, with discreet fittings and avoidance of excessive illumination and light spill affecting adjoining properties.

5.2 National Guidance

5.2.1 The *Architectural Heritage Protection Guidelines for Planning Authorities (2011)* provide relevant national conservation guidance, particularly Sections 10.3 (doors and joinery), 11.5 (internal services), 8.5.7 (external fittings), 13.5.6–13.5.7 (external lighting) and Chapter 17 (fire-safety alterations), which address the protection of historic fabric and architectural character

5.3 Natural Heritage Designations

- South Dublin Bay and River Tolka SPA (Site Code 004024) which is located 3.3km to the south east of the site and
- North Bull Island SPA (Site Code 004006) which is located 7km to the east of the site

6.0 EIA Screening

6.1 The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning & Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 A third party appeal in the name of Patrick Farrell was lodged on the 10th July 2026. The appeal in summary raises the following issues;

- The appellant raises concerns regarding the retention and permission application at No. 37 Upper Drumcondra Road, which relates to alterations to a protected structure and its use in connection with temporary/emergency accommodation.
- The appeal places the development within the wider context of Upper Drumcondra Road, stating that a significant number of properties in the area are now being used to accommodate International Protection applicants and/or provide temporary/emergency accommodation. The appellant considers that this concentration of such uses is having a detrimental effect on the established residential character of the area, including through the loss of family housing and increased pressure on local services.
- A principal concern relates to the planning status of the use. The appellant refers to Class 14(f), Part 1, Schedule 2 of the Planning and Development Regulations, which provides an exemption for the change of use of a house to a residence for persons with an intellectual or physical disability or mental illness, subject to specified limitations. It is argued that this exemption is not applicable where the building is a protected structure and that the current temporary/emergency accommodation use therefore requires appropriate planning authorisation.

- The appellant also questions whether the building is suitable for the scale and nature of accommodation currently being provided, referring to the number of ensuite rooms within the property and its proximity to schools and third-level facilities. It is further contended that the application documentation understates the nature of the proposal by describing it primarily as a retention application for alterations to a protected structure, whereas the appellant considers that the proposal also raises a substantive change-of-use issue.
- Significant concerns are raised regarding the impact of the works on the protected structure. The appellant refers to the provisions of Chapter 11 of the Dublin City Development Plan 2022–2028, which seek to protect the character and special interest of protected structures. Particular concern is expressed regarding the removal and replacement of original doors, frames and architectural features. The appellant considers that appropriate conservation standards should be applied and that replacement features should be sourced or designed in consultation with Dublin City Council's Conservation Section.
- The appeal additionally raises broader concerns regarding planning enforcement, fire safety and building control in relation to temporary/emergency accommodation along Upper Drumcondra Road. Reference is made to enforcement cases concerning other properties in the area, including alleged overcrowding, absence of fire certification and unauthorised commercial accommodation uses. The appellant contends that these examples demonstrate shortcomings in the administration and enforcement of planning and building control requirements in the area.
- Overall, the appellant seeks a more rigorous assessment of the planning status of the existing use, the appropriateness and intensity of the accommodation being provided, and the effect of the works on the protected structure. The appeal also seeks appropriate conservation controls and suggests that, as the application includes retention works, a specified timeframe should be imposed for the completion of the necessary restorative works.

7.3. Planning Authority Response

7.3.1 None received

7.4. First Party Response to Appeal

7.4.1 The First Party's response to the grounds of appeal received 30th July 2026 may be summarised as follows:

7.4.2 The response submits that the scope of the application is limited to works to the protected structure, including replacement of non-original internal doors, retention of fire-safety installations, external lighting, CCTV and associated works. It argues that a substantial portion of the third-party appeal relates to wider matters, including IPAS and emergency accommodation, procurement practices, planning enforcement, housing supply, tourism, student accommodation, demographic change and alleged overcrowding at other properties, which do not relate directly to the development before the Commission.

7.4.3 In relation to conservation, the applicant acknowledges that unauthorised removal of historic joinery occurred but states that retention permission and appropriate reinstatement works were subsequently sought. It notes that the Planning Authority's Conservation Section assessed the Architectural Heritage Impact Assessment and accepted a methodology whereby surviving historic joinery would be retained and surveyed, original detailing recorded, and replacement doors and architraves manufactured as accurate facsimiles by specialist joiners. It is submitted that the appellant has provided no expert conservation evidence demonstrating that this approach is inappropriate.

7.4.4 Regarding the historic fabric, the response acknowledges the significance of the protected structure, including its association with Dan Breen and Seán Treacy, and accepts that the loss of original joinery was regrettable. It argues, however, that the relevant issue is whether the proposed reinstatement represents an appropriate conservation response and submits that the replacement joinery proposed by Grade I Conservation Architects provides an acceptable means of restoring the architectural character of the building.

7.4.5 Concerns regarding external lighting, CCTV and ancillary installations are stated to have been specifically considered by the Conservation Officer and Planning Authority and addressed through revised details and planning conditions.

7.4.6 The applicant rejects the appellant's arguments concerning an alleged change of use, stating that no change of use forms part of the application. It notes that the planning status of the existing use was considered separately by Dublin City Council under Planning Enforcement Ref. E0348/25, and argues that the present appeal should not be used to challenge separate enforcement decisions or wider questions concerning exempted development.

7.4.7 Overall, the applicant submits that the appeal identifies no material error in the Planning Authority's assessment; that the works represent limited interventions compatible with the continued residential use of the building; and that the character and special interest of the protected structure can be maintained. It requests that the Commission uphold Dublin City Council's decision and grant permission.

7.5 Observations

7.5.1 There are two observations on file as follows;

7.5.2 Morgan Jones raises the following issues:

- That No. 37 is a protected/listed building containing features of architectural and historic merit and considers that such features should not have been altered or removed.
- That concerns are also raised regarding the installation of external security lighting, CCTV cameras and, in particular, a Wi-Fi range extender located on a pole in the rear garden. The observer states that the Wi-Fi extender overlooks his property, is visually unsightly and interferes with the Wi-Fi signal serving his own property, including his external security cameras.
- It is alleged that the extender at No. 37 facilitates the transmission of Wi-Fi from other properties at Nos. 31 and 33 Drumcondra Road Upper. The observer questions the necessity for this arrangement and suggests that a separate internal Wi-Fi connection should instead be provided at No. 37.

7.5.3 Jennifer Burke raises the following issues;

- Requires the restoration of No. 37 Upper Drumcondra Road to its original condition, in accordance with appropriate conservation standards and under the

supervision of the Planning Authority's Conservation Officer and other suitably qualified professionals. It is requested that the reinstatement works be completed within an appropriate timeframe and that a written report and verifiable evidence be provided demonstrating satisfactory completion.

- Particular emphasis is placed on the architectural and historical significance of the property, including its association with events involving Seán Treacy and Dan Breen during the War of Independence. The observer states that original Edwardian doors, some incorporating stained glass, and architraves were removed from the building. Specific attention is also drawn to the preservation of bullet holes within the property, which the observer considers to be of national and cultural heritage significance.
- Reference is made to the property's designation as Protected Structure RPS No. 2370, the concentration of protected structures along Drumcondra Road and the identification of Drumcondra as a historic approach within the Dublin City Development Plan. The observer relies on the provisions of Chapter 11 of the Development Plan relating to the protection of architectural heritage and the requirement that works to protected structures be undertaken to appropriate conservation standards.
- The observation also addresses the existing use of the property. Reference is made to Dublin City Council's consideration of the use under Enforcement Ref. E0348/25 and to Class 14(f) of the exempted development provisions. The observer questions whether an exemption for the use can be relied upon where works requiring planning permission have occurred and seeks confirmation that the use is compatible with the protected status of the property.
- The observer therefore seeks, in summary, refusal of retention permission for the unauthorised works; restoration of the property in accordance with its protected status; professional supervision and certification of the reinstatement works; publication/availability of a report verifying those works; and clarification of the planning status of the existing use.
- The observation is accompanied by extensive supporting material, including previous correspondence with Dublin City Council, photographs of the property

and removed joinery, extracts from the Record of Protected Structures, Development Plan material concerning historic approaches through Drumcondra, and Chapter 11 provisions relating to protected structures

7.6 Observations from Prescribed Bodies

7.6.1 Department of Housing, Local Government and Heritage in a submission dated 25th August 2026, provides observations in relation to the architectural heritage aspects of the proposed development.

7.6.2 The Department notes that the subject building is a Protected Structure (RPS No. 2370) and has regard to the relevant provisions of Chapter 11 – Built Heritage and Archaeology of the Dublin City Development Plan 2022–2028**,** including Objectives BHA2, BHA6, BHA11 and BHA24**,** together with the *Architectural Heritage Protection Guidelines for Planning Authorities (2011)*.

7.6.3 The Department reviewed the planning documentation and, in particular, the report of the Architectural Conservation Officer (ACO). It notes the ACO's conclusion that the unauthorised removal of original joinery is highly regrettable and has had a deleterious impact on the historic fabric and special architectural character of the Protected Structure. The Department also refers to the Guidelines, which indicate that restoration of character is best achieved through agreement between the parties regarding the necessary works and an appropriate timeframe for compliance.

7.6.4 The Department notes that the ACO recommended that permission be granted subject to conditions requiring the restoration of the character of the structure and removal of unauthorised fixtures**,** and that these conditions were subsequently amended following the submission of additional information.

7.6.5 The Department concurs with the Planning Authority's decision to grant permission**.** In the event that the Commission decides to uphold the grant, it recommends that Condition No. 3(a–f) be reinstated and expanded to specify a timeframe for completion of the required works, suggesting, for example, six months from the date of permission**,** or such other timeframe as may be agreed in writing with the Planning Authority

8.0 Assessment

8.1 I have examined the application details and all other documentation on file, inspected the site, and had regard to the relevant local development plan policies and guidance.

8.2 I am satisfied that the substantive issues arising from the grounds of this third-party appeal relate to the following matters:

- Planning status and nature of the use;
- Impact on the Protected Structure and architectural heritage;
- External lighting, CCTV, Wi-Fi equipment and residential amenity; and
- Other matters raised in the appeal.

8.3 Planning Status and Nature of Use

8.3.1 A significant element of the appeal concerns the nature and planning status of the existing use of the property. The appellant disputes the applicant's description of the use and contends that No. 37 is being operated as temporary/emergency accommodation. The appellant further questions whether reliance can be placed upon the exemption provided for under Class 14(f), Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, particularly having regard to the status of the property as a Protected Structure.

8.3.2 Similar concerns are raised in the observation of Jennifer Burke, who questions whether the existing use can benefit from the Class 14(f) exemption having regard to the protected status of the property and the works requiring planning permission.

8.3.3 The application before the Commission does not expressly seek permission for a change of use. The development described in the statutory notices relates principally to works to the Protected Structure, including the removal of original internal doors, frames and architraves; the installation of fire safety, security and service infrastructure; external lighting and CCTV; and permission for replacement internal joinery. Nevertheless, having regard to concerns raised in the third-party

submissions and the absence of a relevant planning history for the property, the Planning Authority sought Further Information specifically addressing the use and planning status of the building, together with the number of bedspaces and occupants.

8.3.4 In response, the applicant stated that the current use of the property is as a residence for persons with intellectual or physical disabilities, with one person residing at the premises at that time, and that the property is intended to accommodate four persons placed through the HSE. The applicant contends that this use constitutes exempted development under Class 14(f).

8.3.5 Class 14(f) provides for a change of use from use as a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. The applicable limitation provides that the number of persons with an intellectual or physical disability or mental illness living in such a residence shall not exceed six and the number of resident carers shall not exceed two.

8.3.6 It is important, in my view, to distinguish this exemption from a more general use for temporary or emergency accommodation. Class 14(f) does not provide a general exemption for the use of a house for temporary accommodation, emergency accommodation or homeless accommodation. Rather, it applies to the particular residential use specified in the Class, namely a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. Accordingly, whether Class 14(f) applies is dependent upon the actual nature of the use undertaken at the property and compliance with the conditions and limitations applicable to that Class.

8.3.7 The revised drawings submitted at Further Information stage identify five bedrooms within the property, comprising one bedroom at ground-floor level, three bedrooms at first-floor level and one bedroom at attic level. The Planning Authority noted that this layout would be capable of accommodating five individuals. This differs from the applicant's stated intention to accommodate four persons. However, five residents would nevertheless remain below the maximum of six persons specified under Class 14(f), provided that the residents and nature of the use otherwise fall within the terms of that Class. The number of bedrooms shown on the drawings

does not, in itself, establish that the property is being operated as temporary or emergency accommodation.

8.3.8 I have considered the appellant's contention that the use is in fact temporary/emergency accommodation and the information provided in support of that contention. I also note the wider material submitted concerning the applicant's involvement in the provision of accommodation elsewhere. However, the evidence before the Commission in respect of the actual operation of No. 37 is limited. The applicant expressly states that the property is used as a residence for persons with disabilities, with placements through the HSE. I do not consider that the material submitted by the appellant is sufficient to establish that the property is being operated as a materially different use, such as a homeless accommodation hub or general temporary/emergency accommodation facility.

8.3.9 I have also had regard to Jennifer Burke's observation concerning the applicability of Class 14(f) to a Protected Structure. I do not consider that the designation of the property as a Protected Structure, in itself, precludes the change-of-use exemption provided for under Class 14(f). Class 14(f) does not expressly exclude Protected Structures. The exempted development provisions are, however, subject to the restrictions contained in the Regulations, and Protected Structure status is of particular relevance where physical works are undertaken which materially affect the character of the structure or any element of its special interest.

8.3.10 It is therefore necessary to distinguish between the planning status of the use and the physical works undertaken to facilitate or accommodate that use. The fact that a change of use may potentially constitute exempted development under Class 14(f) does not mean that physical works materially affecting the character of a Protected Structure are also exempt. In the present case, the applicant has not sought to rely upon exempted development provisions in respect of the physical interventions which materially affect the character and special interest of the building. Those works form the subject of the present application for permission and retention permission and are assessed separately below.

8.3.11 The Commission’s determination should relate to the development for which permission and retention permission have been sought, namely the physical works described in the application. No change of use is proposed for determination in this

appeal. The planning status of the existing use may be addressed separately through the Section 5 process, and no conclusion on its lawful or exempted status is reached in this report.

8.3.12 I therefore recommend replacing the Planning Authority's use restriction with a condition defining the scope of the grant and expressly stating that it does not authorise any change of use of the property.

8.3.13 On this basis, I do not consider that the matters raised by the appellant or observer concerning the existing use would warrant refusal of the development presently before the Commission.

8.4 Impact on the Protected Structure and Architectural Heritage

8.4.1 No. 37 Drumcondra Road Upper is included in the Record of Protected Structures under RPS Ref. 2370. The building is of architectural and historical interest. The submissions on file, including the observation of Jennifer Burke, also draw particular attention to its association with events involving Seán Treacy and Dan Breen during the War of Independence. The protection of the historic fabric and special character of the structure is therefore a central consideration in the assessment of the appeal.

8.4.2 The most significant conservation issue arising relates to the unauthorised removal and disposal of original internal doors, frames and architraves. These elements formed part of the historic fabric of the building and contributed to its architectural character and special interest. Jennifer Burke seeks restoration of the property in accordance with appropriate conservation standards and under the supervision of suitably qualified conservation professionals, together with evidence confirming satisfactory completion of the reinstatement works. I share the concerns expressed by the appellant, observers, Planning Authority, Conservation Officer and Department of Housing, Local Government and Heritage regarding the loss of original historic fabric.

8.4.3 I also note the particular concern raised by Jennifer Burke regarding the preservation of surviving physical evidence associated with the historic events at the property, including the stated bullet holes within the building. In my view, any

such surviving historic fabric should be retained and protected during the carrying out of the proposed remedial works.

8.4.4 The Conservation Officer considered that the unauthorised removal of the original joinery resulted in a deleterious impact on the historic fabric and special architectural character of the Protected Structure. It was further noted that upgrading historic doors to achieve an appropriate degree of fire resistance can generally be undertaken without necessitating their removal and that the decision to remove the joinery without prior conservation or architectural advice resulted in an unnecessary loss of historic fabric.

8.4.5 The fact that the works were undertaken without permission does not, however, determine whether retention permission should now be granted. The matter for the Commission is whether, having regard to the existing circumstances and the remedial measures proposed, the character and special interest of the Protected Structure can be satisfactorily conserved and restored insofar as is now practicable.

8.4.6 The applicant advised at Further Information stage that the waste management company responsible for removal of the original timber doors and architraves had been contacted but that the removed items could not be recovered. Reinstatement of the lost original fabric is therefore no longer possible.

8.4.7 The submitted Architectural Heritage Impact Assessment and Method Statement proposes that surviving historic doors and architraves be retained. The profiles and detailing of original joinery would be surveyed and recorded by a specialist joiner and replacement doors, frames and architraves would be manufactured as accurate facsimiles using appropriate materials. The methodology is informed by surviving original features within the property and by an original door inspected and recorded at an adjoining property on Drumcondra Road Upper.

8.4.8 The Conservation Officer considered the proposed approach acceptable in principle, subject to visual samples of the replacement joinery being submitted for agreement. I consider that this represents a reasonable and appropriate conservation response to the circumstances now arising. While reproduction joinery cannot replace the authenticity of the historic material which has been lost,

accurately detailed facsimiles based upon surviving original features would assist in restoring the architectural character and integrity of the interior.

8.4.9 I have also had regard to the observation of the Department of Housing, Local Government and Heritage. The Department concurs with the Planning Authority's decision to grant permission and recommends that the conservation requirements contained in Condition No. 3 be reinstated and expanded to provide a specified timeframe for completion of the required works. A period of six months from the date of permission is suggested, or such other timeframe as may be agreed in writing with the Planning Authority.

8.4.10 I agree that a defined timeframe is appropriate in this instance. The application relates substantially to the retention and remediation of unauthorised works which have already resulted in the loss of historic fabric. It would therefore be inappropriate for the remedial conservation works to remain outstanding indefinitely. I recommend that the required reinstatement and conservation works be completed within six months of the date of the Commission's order, unless otherwise agreed in writing with the Planning Authority. This would also address the concern raised by Jennifer Burke that the necessary reinstatement works should be subject to an appropriate and enforceable timeframe.

8.4.11 Subject to this requirement, the supervision of the works by an appropriately qualified conservation professional, the protection of surviving historic fabric and the prior agreement of samples and specifications with the Planning Authority, I am satisfied that the proposed remedial works represent an appropriate conservation response and would accord with the relevant built heritage provisions of the Dublin City Development Plan, including Objectives BHA2, BHA11 and BHA24, and with the principles of the Architectural Heritage Protection Guidelines for Planning Authorities.

8.5 External Lighting, CCTV, Wi-Fi Equipment and Residential Amenity

8.5.1 Concerns are also raised regarding the external lighting, CCTV cameras, Wi-Fi equipment and associated wiring installed at the property. These concerns relate both to their visual impact upon the Protected Structure and to their effect upon the amenities of adjoining residential properties.

8.5.2 I have had particular regard in this respect to the observation of Morgan Jones of No. 35 Drumcondra Road Upper. The observer raises concerns regarding the external security lighting and CCTV and, in particular, the pole-mounted Wi-Fi equipment in the rear garden. He considers this equipment visually intrusive and states that it interferes with the Wi-Fi signal serving his property, including his external security cameras.

8.5.3 The Conservation Officer considered the external light fittings originally installed to be unsympathetic to the architectural character of the building. Concerns were also raised in the third-party submissions regarding the intensity and duration of the lighting. The Conservation Officer recommended removal of the existing fittings and indicated that, where external lighting is necessary, discreet fittings with a warm tone and controlled operation would be more appropriate.

8.5.4 The Further Information response materially revised this element of the development. Alternative external light fittings are proposed and the revised documentation includes specifications and fixing details. The external pole-mounted Wi-Fi antenna is to be removed. The standalone CCTV camera and wiring to the front elevation and the CCTV camera and wiring at first-floor level to the rear are also to be removed. The integrated camera and keypad adjacent to the main entrance would remain.

8.5.5 I consider that these amendments substantially address the concerns regarding visual clutter and the attachment of inappropriate modern fixtures to the Protected Structure. In particular, the removal of the pole-mounted Wi-Fi equipment directly addresses the visual impact identified by Morgan Jones. With regard to the alleged interference with the Wi-Fi signal at the adjoining property, I consider that this is primarily a telecommunications/technical matter rather than a land-use planning matter. In any event, the external equipment identified by the observer as giving rise to the concern is proposed to be removed.

8.5.6 Subject to the revised external lighting being sensitively installed and controlled and to the conservation conditions recommended below, I am satisfied that the external installations to be retained would not materially detract from the architectural character or special interest of the Protected Structure.

8.5.7 I have also considered the concerns of Morgan Jones and the other third-party submissions regarding external lighting, including light spill and disturbance to adjoining residents. Given the revised lighting proposals and the requirement for appropriately controlled operation, I am satisfied that the development would not result in an unacceptable impact upon adjoining residential amenity.

8.6 Other Matters Raised

8.6.1 The appeal raises wider concerns regarding the concentration of temporary and emergency accommodation and International Protection accommodation along Drumcondra Road Upper and the alleged consequences for community balance, housing availability, tourism, student accommodation and pressure upon local services.

8.6.2 I acknowledge these concerns. However, the appeal before the Commission relates to a specific development at No. 37 Drumcondra Road Upper. The planning status and operation of other properties within the wider area do not form part of the application before the Commission. I therefore do not consider that the matters raised concerning the operation of unrelated properties provide a basis for refusing the development which is the subject of this appeal.

8.6.3 The appellant also raises concerns regarding planning enforcement, fire safety and building control, both at the appeal property and elsewhere. I note that Enforcement Ref. E0348/25 was opened in relation to alleged unauthorised works at No. 37 and remained open at the time of the Planning Authority's assessment. Enforcement is a separate statutory process and the determination of the present appeal does not prejudice the exercise by the Planning Authority of its enforcement functions.

8.6.4 Compliance with the requirements of Building Control and Fire Safety legislation is similarly governed by separate statutory codes. The granting of planning permission does not remove the requirement to comply with those codes, and I do not consider that the matters raised in this regard provide a basis for refusal of the development presently before the Commission.

8.6.5 Concerns have also been raised regarding alleged incidents of antisocial behaviour involving occupants of the property. I acknowledge these concerns.

However, the present application relates to physical works to the Protected Structure and does not seek permission for a change of use. The assessment of residential amenity in this appeal therefore relates to the effects of those works. Alleged individual incidents are matters for the relevant statutory authorities, and the determination of this appeal does not resolve the planning status of the existing use.

8.6.6 I have considered the concern that granting retention permission could establish an undesirable precedent for unauthorised works to other Protected Structures. Each planning application and appeal must be assessed on its individual merits and having regard to the particular circumstances arising. The granting of retention permission in this case, subject to substantial remedial conservation requirements, would not confer any entitlement to undertake unauthorised works to other Protected Structures.

8.7 Conclusion

8.7.1 The unauthorised removal and disposal of original internal doors, frames and architraves resulted in a regrettable and unnecessary loss of historic fabric from this Protected Structure. However, the original joinery is no longer available for reinstatement and the issue now arising is whether the proposed remedial measures represent an acceptable conservation response.

8.7.2 Having regard to the concerns raised by the appellant and observers, the submitted Architectural Heritage Impact Assessment and Method Statement, the retention of surviving original joinery, the proposed manufacture of accurate facsimile replacement joinery, the revised treatment of lighting and security equipment and the recommendations of the Planning Authority's Conservation Officer and the Department of Housing, Local Government and Heritage, I am satisfied that the character and special interest of the Protected Structure can be appropriately restored and conserved insofar as is now practicable, subject to conditions.

8.7.3 The application seeks permission and retention permission for the physical works described in the statutory notices and application particulars. It does not seek permission for a change of use of the property. Accordingly, the assessment and recommendation in this report relate to those works.

8.7.4 The applicant states that the existing use constitutes exempted development under Class 14(f), Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. The appellant and an observer dispute the planning status of that use. A determination as to whether the use constitutes development and, if so, exempted development is outside the scope of this application and may be the subject of a separate request under Section 5. No determination on that matter is made in this appeal.

8.7.5 I recommend a condition expressly clarifying that the permission and retention permission relate solely to the physical works described in the application and do not authorise any change of use of the property. The grant should not be interpreted as confirming the lawful or exempted status of the existing use.

8.7.6 I am satisfied that, subject to the conditions recommended below, the development would not seriously injure the residential amenities of adjoining properties, would provide for an appropriate conservation response to the works undertaken to the Protected Structure and would accord with the proper planning and sustainable development of the area.

9.0 AA Screening

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

9.2 The subject site is located

- 3.3kmm to the north east of the South Dublin Bay and River Tolka SPA (Site Code 004024)
- 7km to the west of the North Bull Island SPA (Site Code 004006)

9.3 The proposed development comprises of retention and permission for minor changes to a property. No nature conservation concerns were raised in the planning appeal.

9.4 Having considered the nature, scale and location of the project, and its location in a suburban area, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site

9.5 The reason for this conclusion is as follows:

- The relatively small scale nature of the works proposed
- The lack thereof of any hydrological connection from the proposed development to the Natura 2000 site.
- Having regard to the screening report/determination carried out by the Planning Authority

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

9.7 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. The proposed development is located 3.3km to the west of Dublin Bay.

10.2 The proposed development consists of minor works to a protected structure

10.3 No water deterioration concerns were raised in the planning appeal.

10.4 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.5 The reason for this conclusion is as follows:

- The minor scope of the works and nature of the development
- The distance to the nearest water body, Dublin Bay and the lack of hydrological connections to the same.

10.6 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1 I recommend that permission for the development be granted

12.0 Reasons and Considerations

12.1 Having regard to the provisions of the Dublin City Development Plan 2022–2028, the status of the property as a Protected Structure, the nature and extent of the works proposed for retention and permission, the submitted conservation methodology and revised proposals, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the development proposed for retention and the proposed development would not materially or adversely affect the character or special interest of the Protected Structure, would not seriously injure the residential amenities of adjoining properties or of property in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of May 2026, 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.	This permission and retention permission relate solely to the physical works described in the statutory notices and application particulars, as amended by the further information received by the planning authority on 8th May 2026 and subject to the other conditions of this permission. No change of use of the property, including any change to residential care use, is authorised by this grant. This grant does not determine the lawful or exempted development status of the existing use. . **Reason:** In the interest of clarity and to define the scope of the development authorised by this permission and retention permission.
3.	(a) Within six months of the date of this Order, unless otherwise agreed in writing with the Planning Authority, all conservation and reinstatement works shall be completed in accordance with the submitted Architectural Heritage Impact Assessment and Method Statement and the requirements of this condition. (b) All works to the Protected Structure shall be carried out under the supervision of an appropriately qualified conservation professional with demonstrable experience in works to buildings of architectural and historic significance. (c) Prior to the manufacture and installation of replacement doors, frames and architraves, full details and samples of the proposed joinery, including profiles, materials, finishes and ironmongery, shall be submitted to and agreed in writing with the Planning Authority. The replacement joinery shall accurately replicate the detailing and character of surviving original joinery within the Protected Structure. (d) All surviving original joinery and other historic fabric and features shall be retained and protected during the works. No additional historic fabric shall be removed or altered except where specifically authorised by this permission. (e) The external lighting shall be installed in accordance with the revised

	details submitted at Further Information stage and shall be operated so as to avoid excessive illumination or light spill onto adjoining properties. (f) The external pole-mounted Wi-Fi equipment, standalone CCTV camera and associated wiring to the front elevation, and the CCTV camera and associated wiring at first-floor level to the rear shall be removed in accordance with the revised drawings submitted at Further Information stage. **Reason:** To protect the character, integrity and special interest of the Protected Structure, to ensure that the remedial works are carried out in accordance with best conservation practice and in the interest of residential amenity.
4.	Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority. **Reason:** To safeguard the amenity of property in the vicinity
5	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 developer's 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

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.

Andrew Hersey
Planning Inspector

5th October 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL501641-DN-26
Proposed Development Summary	Works to Protected Structure
Development Address	37, Drumcondra Road Upper, Dublin 9
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? (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)	☑ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
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**	**State the Class and state the relevant threshold**
☐ 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)**	**State the Class and state the relevant threshold**

Inspector: _____ Date: _____