

\* Transfer 2019/0373. 170 Rathmines Road Lower - APPEAL.



Dublin City Council  
Comhairle Cathrach Bhaile Átha Cliath

Archaeology, Conservation & Heritage Section  
Planning & Property Development Department  
Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8

Seandálaíocht, Caomhantas & Oidhreacht  
An Roinn Pleanála agus Forbartha Eachnamaíochta  
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

Tel: (01) 222 3090

Email: [conservation@dublincity.ie](mailto:conservation@dublincity.ie)

Decisions Section  
Planning & Property Development Department  
Dublin City Council  
Block 3, Floor 3

22<sup>nd</sup> October 2019

#### APPEAL COMMENTS

EXPP: 0373/19 (Section 5 Declaration Application)

BORD PLEANALA REF: ABP-305579-19

LOCATION: 170 Rathmines Road Lower, Dublin 6

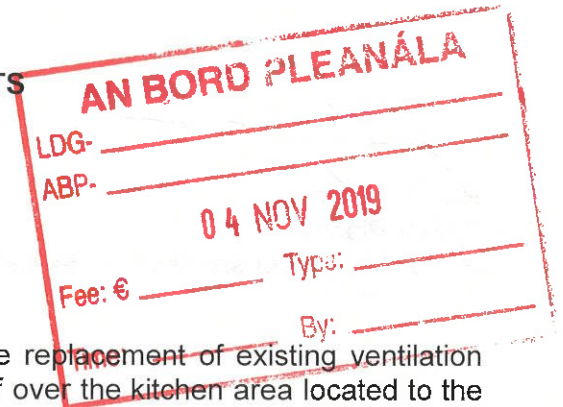
PROPOSAL: EXPP: Protected Structure: "Whether the replacement of existing ventilation system with a new ventilation extractor hood to the roof over the kitchen area located to the rear of 170 Rathmines Road Lower is or is not development and is or is not exempted development".

#### CONSERVATION COMMENTS

I refer to Simon Clear & Associates Planning & Development Consultants report dated the 7<sup>th</sup> October 2019 on the above (copy attached), as already supplied to the Board. The matters raised in this appeal were previously raised in the subject application for a Section 5 Declaration and were taken into consideration in the assessment of that application by the Planning Authority.

DCC Planning & Property Development Conservation Section is a multi-disciplinary unit with both professional architectural conservation officers and planners on the same team. Established practice in the Planning and Property Development Department is that Section 5 applications relating to Protected Structures are dealt with by this team. This particular application was subject of consideration by both a Conservation Officer and Executive Planner, whose role includes planning enforcement in relation to Protected Structures. The Conservation Officer and the Executive Planner, concurred in their in their decision.

A site visit was made by a Conservation Officer to No.170 Rathmines Road Lower, on 4<sup>th</sup> September 2019 to facilitate thorough assessment of the case. The surrounding context and in particular the rear of the premises (when viewed from Parker Hill) was considered as part of the assessment.

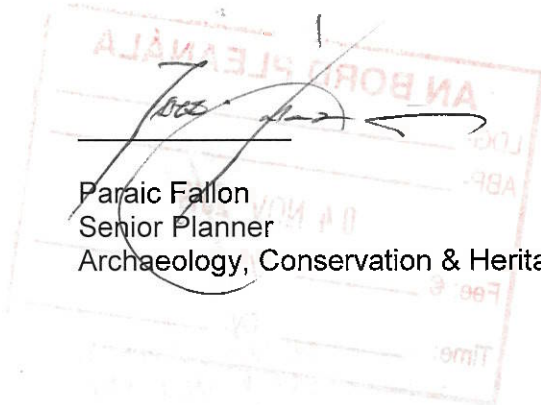


The precedent cases referred to by the applicant relate to the replacement of extract ducting to two structures, only one of which is a Protected Structure (PA Reg. Ref:D/295/1). Notwithstanding this, it is the opinion of the planning authority that each case should be considered on the basis of its own individual merit.

Accordingly, the Planning Authority is of the opinion that the inappropriate scale and finish of the subject ventilation extractor hood is considered to render the appearance of the property inconsistent with the character of the structure (Protected Structure) and that of neighbouring structures (Protected Structures) under Section 4(1)(h) of the Planning & Development Act 2000 (as amended). As such the installation of the ventilation extractor hood would not be considered exempted development.



John Beattie  
Assistant Architectural Conservation Officer



Paraic Fallon  
Senior Planner  
Archaeology, Conservation & Heritage Section