

**CONOR POWER**  
Senior Counsel

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November 13<sup>th</sup> 2019

An Bord Pleanála  
64 Marlborough Street,  
Dublin 1.

<b>AN BORD PLEANÁLA</b>	
LDG-	<u>02.09.51-19</u>
ABP-	
<b>13 NOV 2019</b>	
Fee: €	<u>220</u> Type: <u>Caraf.</u>
Time:	<u>14.12</u> By: <u>Hand</u>

RE: 5 Dartmouth Square, Dublin 6

Dear Sir or madam,

I refer to the above property and to our application under s.5 of the Planning and Development Act 2000 for an exemption in respect of proposed works to our house.

The Application for s.5 exemption was initially made in August 2019. We were requested to provide further details, which we did in a renewed application of October 8<sup>th</sup> 2019.

Please note, this also included an extra issue: that of a gas meter enclosure. This was added because in September 2019 the existing oil boiler broke; it is beyond repair. There are no fireplaces in the house.

We currently have no central heating as (1) the potential installation of a new oil boiler has proven very challenging and (2) we cannot install the gas meter without either an exemption or planning permission.

The application was carefully prepared by our architect, Mr Steven Phillips of Number 8 Studio. We are conscientious and are keen to improve this property. We bought the property this year, moved in in April, and are in the process of converting it from being three separate flats into one family home. We obtained a s.5 exemption to bring the main and first floor into one residence. We plan more work (to include a planning application) to incorporate the garden level, restore features, modernise and bring the house into one unit when resources allow.

These current planned works had two elements. First, to fix the windows; they are in poor repair and make the house cold. We were successful in obtaining a declaration of exemption in respect of those works. We do not seek a review of same – see items 1, 2, 3 and 4 as described in Dublin City Council's decision of October 25<sup>th</sup> 2019.

The second element is that at number 5: "5 Re-landscaping the front garden, without making any changes or works to the existing railings; to provide a gently sloping path to the lower ground level for baby buggies and bicycles." This was refused an exemption. We seek to review this refusal.

We attach the architect's plans that describe fully the proposed works.

The only reason given for the refusal is that: "The cumulative effect of the proposed interventions to the front garden of the protected structure would materially affect its character and cannot be considered exempted development."

Dublin City Council determined that the proposed interventions were not within s.4(1)(h) and s.57 of the 200 Act, as amended. This seems a conclusion rather than a reason; no other specific reasons were provided.

We respectfully disagree. We note the definition of exempted development in s.4(1) is relevant in two respects:-

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

And

(j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such.

We also note section 57, such that works must not materially affect the character of the structure.

The proposed works are manifestly sympathetic with the house. They were specifically designed to be so. They are not radical. They are in fact a minor change. They are similar to others in neighbouring houses. But most importantly, they won't be seen. We do not plan to alter the front rails or current hedge. The height of same will ensure that most of the works cannot be seen from the street.

In any case all the works are designed to make the house look better and be more user friendly. We have a newborn and two other young children. We want a path for buggies, and bins. We want to safely lock a bicycle. We want to screen the bins and bike from view. We want a gas meter. None of this is radical or (save the gas meter) in any way different to the use current in fact made of our garden (and most others on the square.) We simply want to make it look and work better.

The only new issue is the small wall for the gas meter. We have been informed by Gas Networks that this is a necessity, otherwise no meter will be installed. There are great number of visible meters on neighbouring houses. We plan to screen the meter in a nice recess.

All of this is manifestly within the curtilage and incidental to the enjoyment of the house as such.

None of the works relevant to this review are to the structure as such. They are to the front garden. We cannot agree that they "materially" affect the "character" of the structure at all.

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**13 NOV 2019**

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We are happy to provide any further information.

Please note we do not seek an oral hearing.

Because of the pressing heating situation, we request a decision as early as possible.

I enclose all relevant documents. These can be emailed if that is of assistance.

Many thanks for your assistance herein.

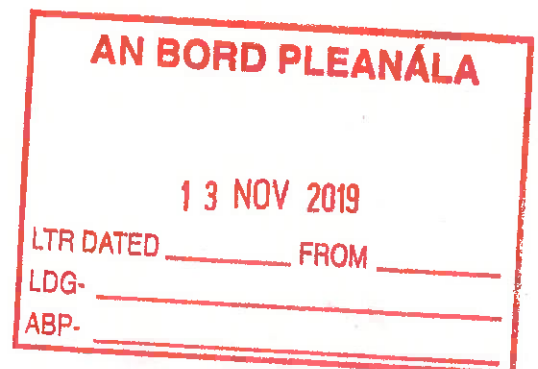
Yours sincerely



Loraine Mulligan

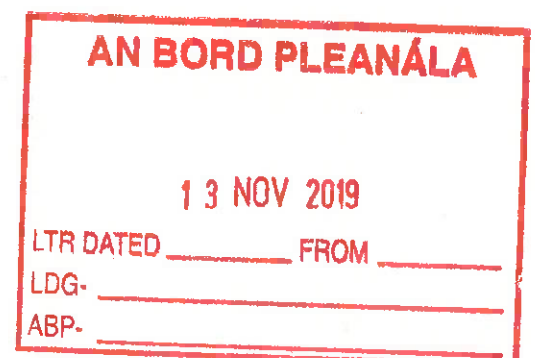
Conor Power.

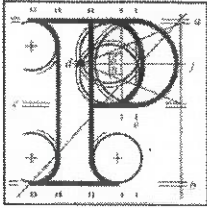
Loraine Mulligan.



Enclosures:-

1. Appeal Form
2. Written S.5 Application Form 29/7/19 and Letter from Architect  
Photos and maps accompanying
3. DCC letter 30/8/19 seeking more information
4. Reply to DCC from architect 4/10/19 to include revised drawings and plan,  
being:-  
Front elevation drawing (2 pages)  
Site Pant – From garden (2 page format and 4 page format for ease of reading  
enclosed)
5. DCC decision of October 29<sup>th</sup> 2019.





An  
Bord  
Pleanála

## Planning Appeal Form

### Your details

#### 1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Conor Power  
Lorraine Mulligan

(b) Address

5 Dartmouth Square  
Ranelagh  
Dublin 6

### Agent's details

#### 2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

n/a

AN BORD PLEANÁLA

13 NOV 2019

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_ Page 1 of 7

ABP- \_\_\_\_\_

(b) Agent's address n/a

[Redacted area]

**AN BORD PLEANÁLA**  
**13 NOV 2019**  
LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_  
LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_



## Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the  
address in Part 1

The agent at the address in  
Part 2

## Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) **Planning authority**

(for example: Ballytown City Council)

Dublin City Council

(b) **Planning authority register reference number**

(for example: 18/0123)

0354/19

(c) **Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

5 Dartmouth Square

Ranelagh

Dublin 6

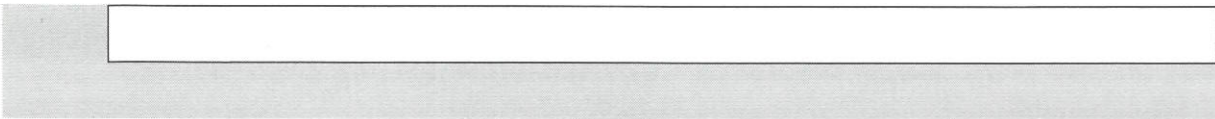
**AN BORD PLEANÁLA**

**13 NOV 2019**

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**13 NOV 2019**

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## Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please see attached letter.

We seek to review only the DCC decision of 25/10/2019 at No 5: re garden (and not the grant of exemption re the windows.)

In short we do not believe the planned alteration to the front garden will materially affect the character of the house, which is a protected structure.

The works fall with s.4(1)(h) and (j).

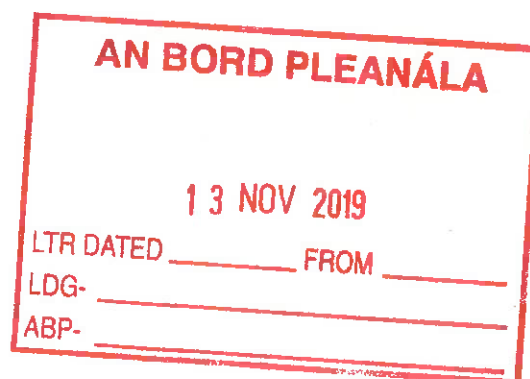
The works will make the existing use easier: access to the garden level without steps for use of baby buggy and prams, more attractive location for bins and a bike that are currently there in any case.

The only new use is a pier for a new gas meter. We require this as our existing oil boiler is broken beyond repair; we are advised that gas is essential. We currently have no central heating (the house has no fireplaces.) We have a newborn and two young children.

None of the works will be seen from the street: the existing rail is not affected nor do we intend to remove the existing hedge.

There is no work proposed to the protected structure.

The work are designed to be sympathetic to the house. We are conscious of preservation and wish to improve our house. We are in the process of reverting it from poor condition, in three units, to an entire family home.



## Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

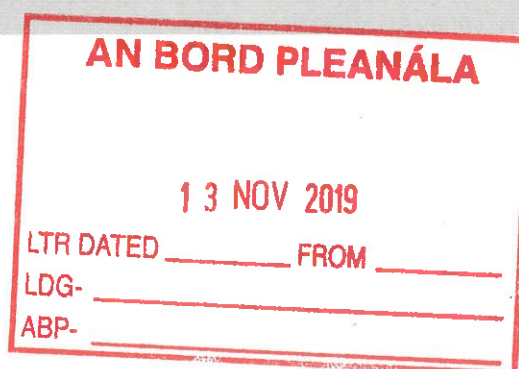
- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

## Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

## Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.





## Oral hearing request

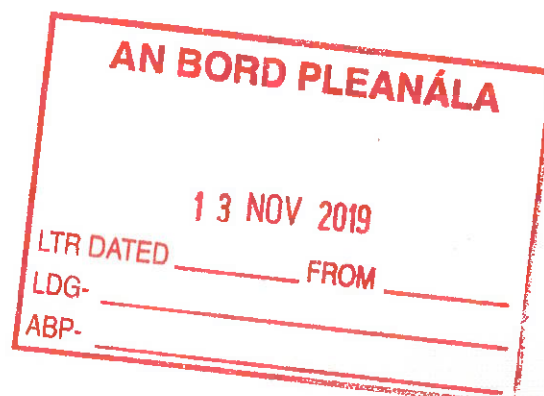
9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing



NALA has awarded this document its Plain English Mark

Last updated: April 2019.



DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT



Dublin City Council

SECTION 5 APPLICATION FORM

NAME OF APPLICANT: COOR TOWER & LOURIE MULLIGAN

ADDRESS OF APPLICANT: 5 DARTMOUTH SQUARE, DUBLIN 6

EMAIL ADDRESS: S-AGENT-SEE BELOW. info@number8studio.com

TELEPHONE NO. Day: SEE BELOW Mobile: SEE BELOW

NAME OF AGENT AND AGENT'S ADDRESS: STEVEN PHILLIPS, NUMBER 8 STUDIO, TOBTOPS, BALLINTEER RD, DUBLIN 16

TELEPHONE NO. Day: 087 766 2623 Mobile: 087 766 2623

ADDRESS FOR CORRESPONDENCE (if different from above)

NUMBER 8 STUDIO, TOBTOPS, BALLINTEER RD, DUBLIN 16

LOCATION OF SUBJECT SITE: 5 DARTMOUTH SQUARE, DUBLIN 6

Is this a Protected Structure or within the curtilage of a Protected Structure?  YES

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?  NO

Please provide details of works (where applicable) or proposed development. (Note: only works listed and described under this section will be assessed under this section 5 application. Use additional sheets if required.)

1. The refurbishment of the 4 existing windows to the front of the house at the main entrance (ground floor level and the first floor level labelled A to D on enclosed Drawing 1808-S5-2.0.0.
2. The refurbishment of the 3 existing windows to the rear of the house at the main entrance (ground floor level and the first floor and attic levels labelled E to G on enclosed Drawing 1808-S5-2.0.0., including repairs and/or renewal of the patent reveals
3. The fitting of draught restricting weather seals to the windows described in 1 and 2 above to improve comfort, thermal performance and reduce energy consumption
4. The fitting of restrictors to the windows described in 1 and 2 above to improve safety
5. Re-landscaping the front garden, without making any changes or works to the existing railings, to provide a gently sloping path to the lower ground level for baby buggies and bicycles

AN BORD PLEANÁLA

13 NOV 2019

PLANNED FROM

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_



List of plans, drawings etc. submitted with this application

- DRAWING 1308-S5-7.00, SITE LOCATION PLAN, FLOOR PLANS, ELEVATIONS, FRONT GARDEN - EXISTING & PROPOSED
- COVER LETTER & DESCRIPTION OF WORKS DATED 29/07/2019
- SUPPORTING PHOTOGRAPHS & WINDOW SASH SECTIONS EXISTING & PROPOSED

Please state Applicant's interest in this site: OWNER

If applicant is not owner of site, please provide name & address of owner:

/

Are you aware of any enforcement proceedings connected to this site?  
If so please supply details:

NO

Where there previous planning application/s on this site?  NO  
If so please supply details:

Signed [Signature] Date 29/07/2019

NOTES

Application shall be accompanied by 2 copies of site location map with site clearly outlined in red and a fee of €80.00. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.

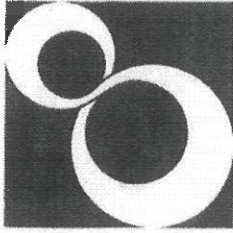
Application shall be forwarded to: Dublin City Council, Planning Registry  
Section, Block 4, Floor 0, Civic Offices, Wood Quay, Dublin 8.  
Contact Details: Phone: 01 222 2149 Fax: 01 222 2675

**AN BORD PLEANÁLA**

13 NOV 2019

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_  
LDG- \_\_\_\_\_  
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29<sup>th</sup> July 2019

Planning Department  
Dublin City Council  
Civic Offices  
Wood Quay  
Dublin 8

**AN BORD PLEANÁLA**

**13 NOV 2019**

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_

**Re: Section 5 Application for 5 Dartmouth Square, Dublin 6**

Dear Sirs,

On behalf of Conor Power and Loraine Mulligan, and in accordance with the Planning Acts, we are applying for a Section 5 Declaration on exempted development for proposed works to the house located at 5 Dartmouth Square, Dublin 6, which is a Protected Structure.

It is intended that the house will be subject to a comprehensive refurbishment and renovation project but this will be subject to an application for Planning Permission which is expected to be lodged in the next 6 to 18 months. Prior to winter it is intended to carry out minor works to improve the habitability and functionality of the house, particularly in regard to the windows and the front garden, and a proposal has been developed in association with John J. O'Connell Architects (RIAI Accredited Conservation Practice Grade I).

The proposed works which are the subject of this Section 5 Application are;

1. The refurbishment of the 4 existing windows to the front of the house at the main entrance (ground floor) level and the first floor level labelled A to D on enclosed Drawing 1808-S5-2.0.0.
2. The refurbishment of the 3 existing windows to the rear of the house at the main entrance (ground floor) level and the first floor and attic levels labelled E to G on enclosed Drawing 1808-S5-2.0.0., including repairs and/or renewal of the patent reveals
3. The fitting of draught restricting weather seals to the windows described in 1 and 2 above to improve comfort, thermal performance and reduce energy consumption
4. The fitting of restrictors to the windows described in 1 and 2 above to improve safety
5. Re-landscaping the front garden, without making any changes or works to the existing railings, to provide a gently sloping path to the lower ground level for baby buggies and bicycles

The existing windows labelled A to G on enclosed Drawing 1808-S5-2.0.0. are in generally sound condition but have been heavily overpainted (including the latches) and some sashes no longer open and require remedial works to the cords and counterweight mechanisms to return the windows to fully functioning operation. This is essential maintenance work and is to be carried out in accordance with best conservation practice, with the retention of original fabric wherever possible including the glass.

The windows to the front elevation have brick reveals which are in good condition, but the rear windows have patent reveals which are failing and which are breaking away from the walls around the larger of the two windows. These reveals need to be repaired and/or replaced in accordance with best conservation practice and using appropriate materials.

The window sills are in good condition and are to remain as-is.

The windows have been found to allow significant draughts around the sashes and at the meeting rails, which have a very detrimental effect to the occupants comfort and to the energy efficiency of the house. It is proposed to fit weather seals to the sashes to limit the passage of air and reduce draughts. The seals are to be fitted to the sashes and will be generally concealed from view by virtue of their location between window elements. The sashes require small rebates to be made in the sashes to secure the seals in place, however the rebates are very small and will not affect the structural integrity of the sashes and the loss of historic material is minor and balanced by the improved performance of the windows and of the house overall in thermal terms, with reduction in potential for condensation.

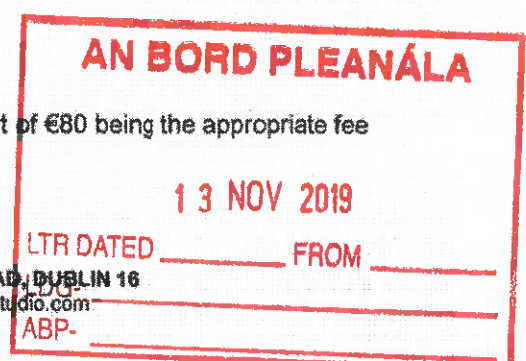
The uppermost bathroom window (labelled G on enclosed Drawing 1808-S5-2.0.0) has a non-original lower sash and a modern obscure glass and these are proposed to be retained, however the window does not open and it is proposed to return the window to function by freeing the pulleys from paint and reinstating the opening mechanism with new cords.

The existing front garden is enclosed by the house and on three sides by metal railings. At present the garden is mostly grass with planting to the front and to the side boundaries against the metal railings. A concrete path rises from the gate to the front steps, and then falls and steps down around to the side of the steps down to the lower ground level. This arrangement does not allow safe and easy access for baby buggies, bins and bicycles and is not attractive. It is intended that the baby buggies are stored below the main entrance steps and that bicycles and bins can be stored away to the side where they are less obvious from the street but are still accessible for use. It is proposed to make the planters to the front and North side narrower, reducing the hedge to the north in length and width, and installing a new path that follows the edge of the planters and which falls gently to the lower ground level to allow for the safe and easy passage of baby buggies, bins and bicycles without the need to negotiate any steps. Where necessary very low walls will ensure that the planter level at the boundary railings remain as they are and the railings are unaffected. The grass will be recontoured to gently fall from the existing concrete path – cut back to only serve the front steps – down to the edge of the new sloping pathway.

It is noted that there is a very wide variety of front garden arrangements around Dartmouth Square and that the proposed plan does not introduce any new elements which will be visually intrusive or out of keeping with the protected structure or with the surrounding context. There will be no loss of amenity or negative impact on the protected structure, and the improved appearance, functionality and safety of the proposed plan will enhance the use of the protected structure in the long term.

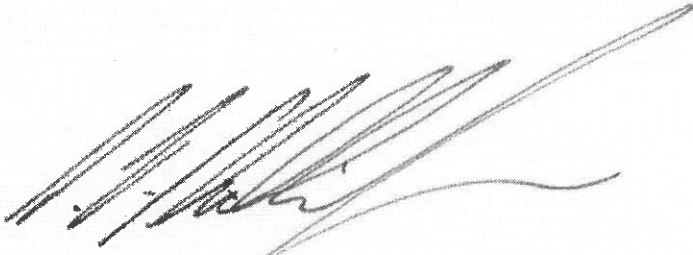
I enclose herewith in support of this application;

01. 2 no. copies of drawings
  - Drg No.1808-S5-2.0.0 Site Location Plan, Floor Plans, Elevations, Front Garden - Existing & Proposed, Scales 1:1000 & 1:100 as noted
02. 2 no. copies of supporting photographs and window sash details
04. A cheque made out in favour of Dublin City Council in the amount of €80 being the appropriate fee
06. A completed Application Form, as issued by Dublin City Council.

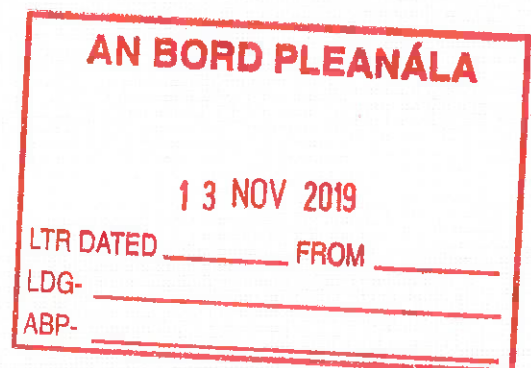
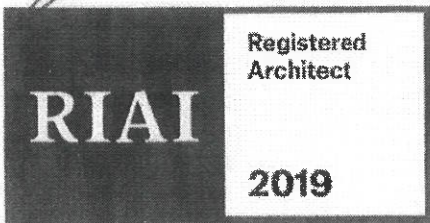




Yours sincerely,



Steven Phillips – Architect  
BArch (Hons) ANZIA MRIAI RIBA



Supporting Photographs – To accompany;

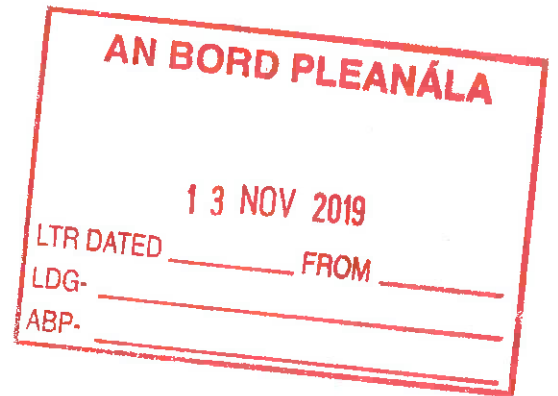
**Section 5 Application for 5 Dartmouth Square, Dublin 6 – 29 July 2019**



Photo 1 – Front Elevation (House with Green Door)



Photo 2 – Rear Elevation





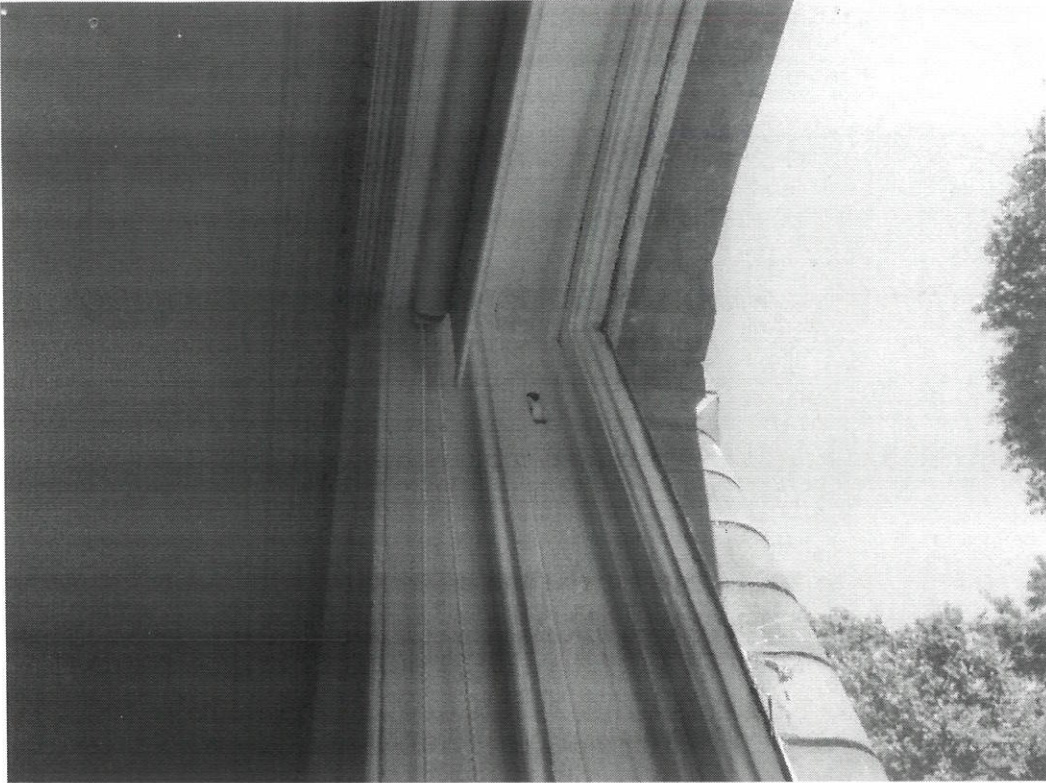


Photo 3 – Typical window to the front, generally good condition, note missing sash cord



Photo 4 – Typical window sill to the front, generally good condition

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13 NOV 2019

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Photo 5 – Window to rear, note failing external reveal with debris on sill, and prop to upper sash (broken cords)

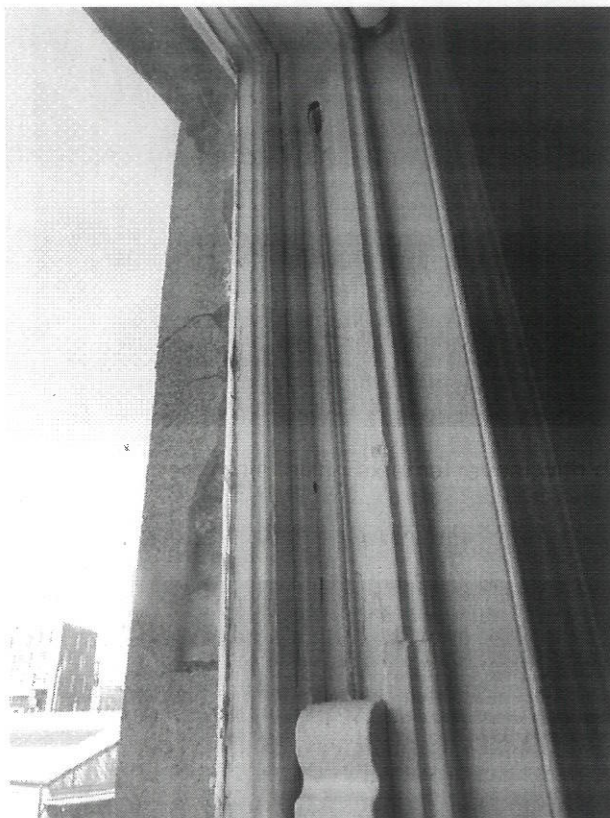


Photo 6 – Window to rear, note failing reveal

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**13 NOV 2019**

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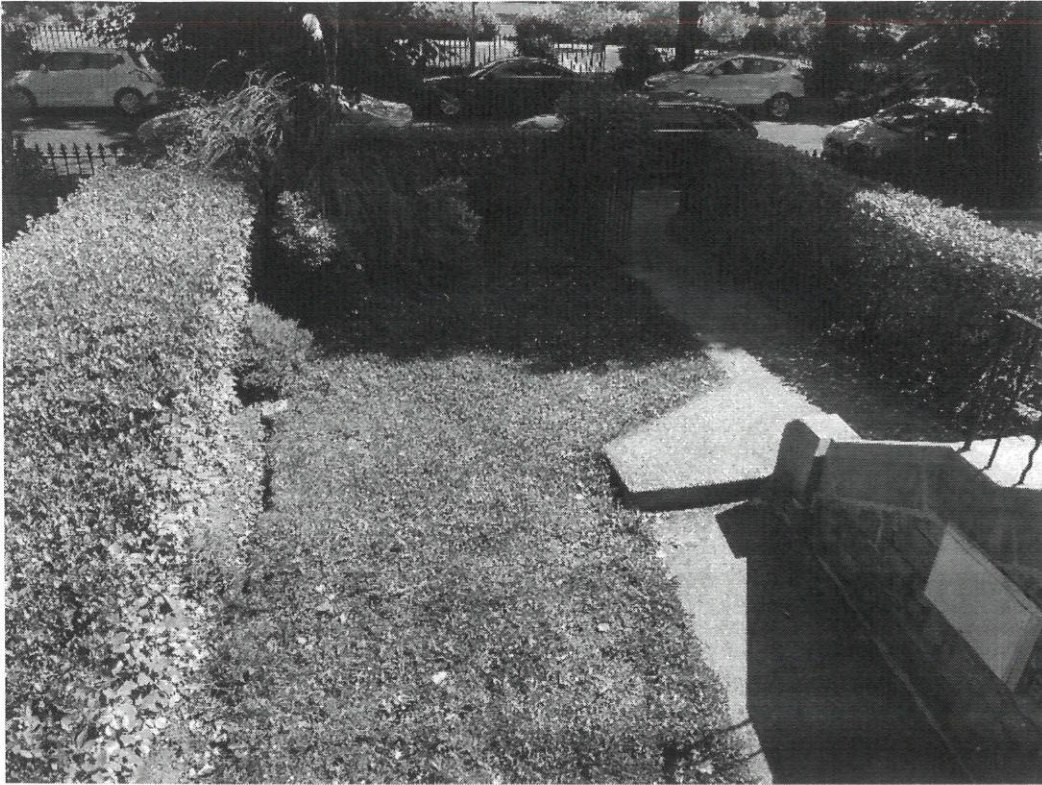


Photo 7 – Existing Front Garden



Photo 7 – Existing Front Garden, bin storage and steps

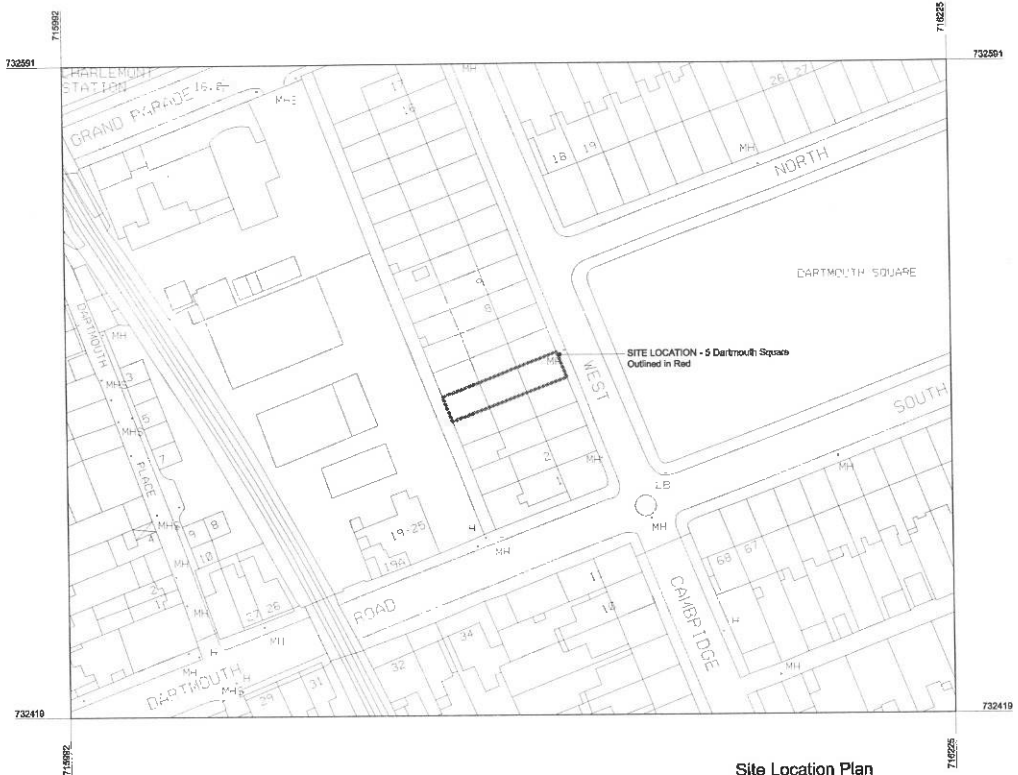
**AN BORD PLEANÁLA**

13 NOV 2019

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**Site Location Plan**  
1:1000



Ordnance Survey Ireland Ref. No. 25338639

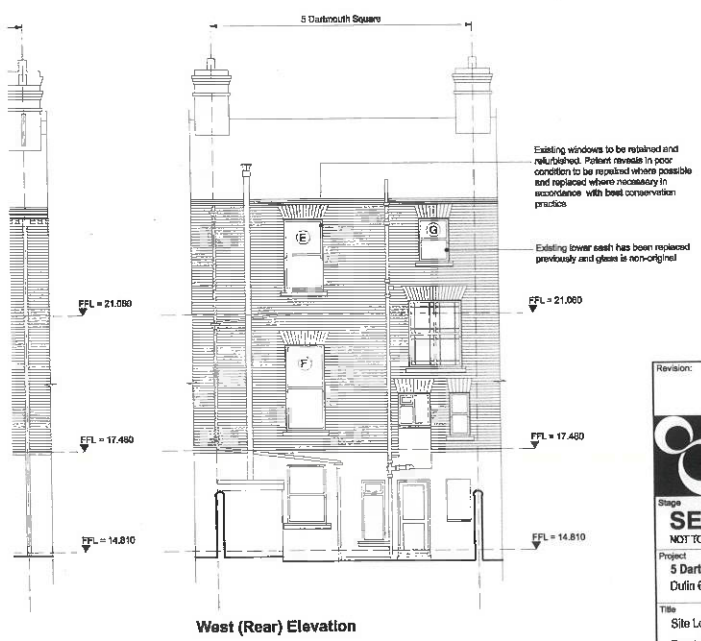
NOTE: Co-ordinates given refer to Irish TM Co-ordinates  
Levels Shown refer to OS Datum

This is a computer generated map

Location Map for:  
5 Dartmouth Square  
Dublin 6

Map Series:  
1:1000

3254-21  
REVISION DATE = 30-Mar-2016  
SURVEY DATE = 31-Dec-1989  
LEVELLED DATE = 31-Dec-1989



**West (Rear) Elevation**

Revision:	Date:
<b>NUMBER 8 STUDIO</b> TORYTOPS, BALLINTEER ROAD, DUBLIN 18 00353 (1) 296 6375 info@number8studio.com	
Stage <b>SECTION 5</b> NOT TO BE USED FOR CONSTRUCTION	Date July 2019
Project 5 Dartmouth Square Dublin 6	Scale @ A2 1:1000, 1:100
Title Site Location Plan, Floor Plans, Elevations Front Garden - Existing & Proposed	Drawn SP
	Checked SP
	Drawing No. 1808-S5-2.0.0
	Rev

**AN BORD PLEANÁLA**

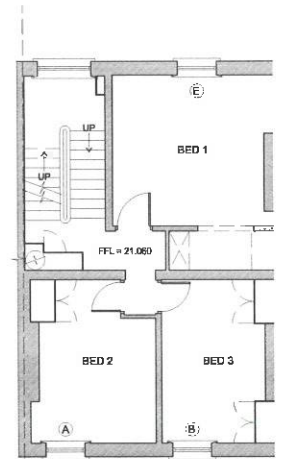
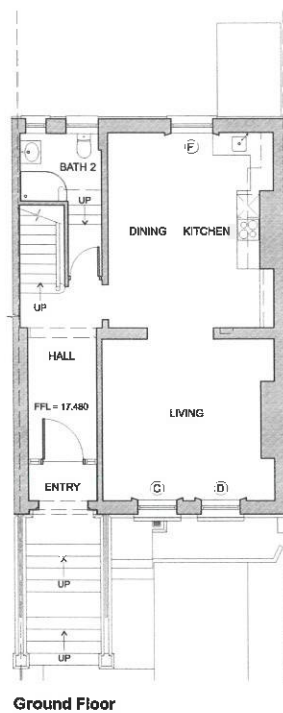
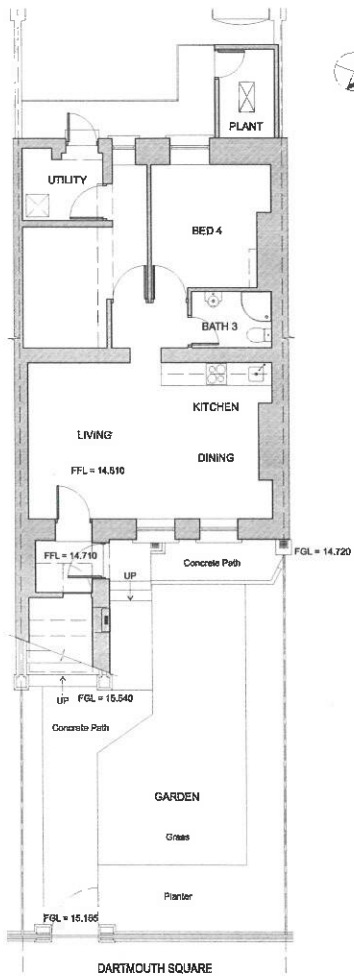
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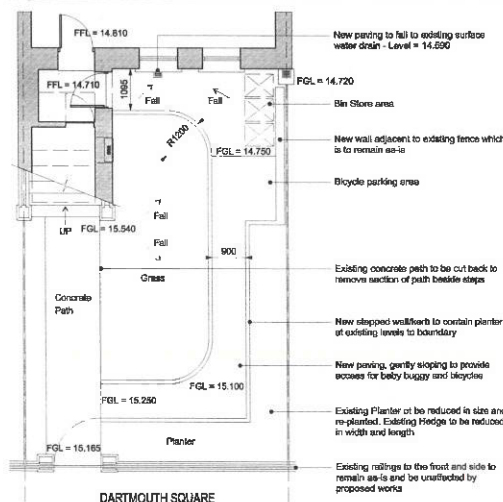
First Floor



Attic Floor

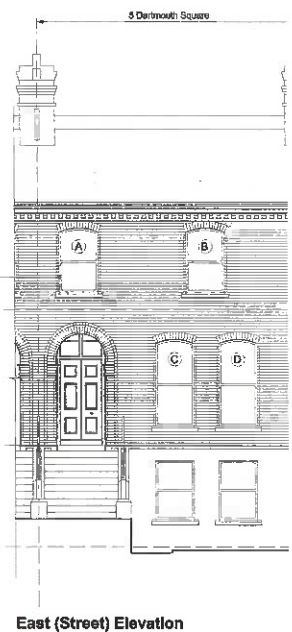
**SCOPE OF WORKS**  
 The scope of works comprises the refurbishment and fitment of weather seals to 7 nos. existing sliding sash windows (labelled A-D) and landscaping works to the front garden

**Lower Ground Floor & Partial Site Plan - EXISTING**



**Partial Site Plan, Front Garden - PROPOSED**

10 0 10 20 30 40 50 60 70 80 90 100



East (Street) Elevation

**AN BORD PLEANÁLA**  
 13 NOV 2019  
 LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_  
 LDG- \_\_\_\_\_  
 ABP- \_\_\_\_\_

# Window Sash Sections - Typical Existing - 5 Dartmouth Square

Scale 1:2.5, Sash shown with wood grain pattern



NOTE: Existing windows shown on drawing 1808-S5-2.0.0 labelled A to G to be removed, refurbished and sashes fitted with new weather seals to reduce draughts. Seals to be Schlegel Aquamac or equal approved (shown cross hatched on proposed sections). Existing overpainting to be removed and counterweight pulleys freed and cords replaced with windows returned to fully functioning condition and restrictors fitted (Angel Ventlock or equal approved) for child safety. Existing glass to be retained.

**AN BORD PLEANÁLA**

13 NOV 2019

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

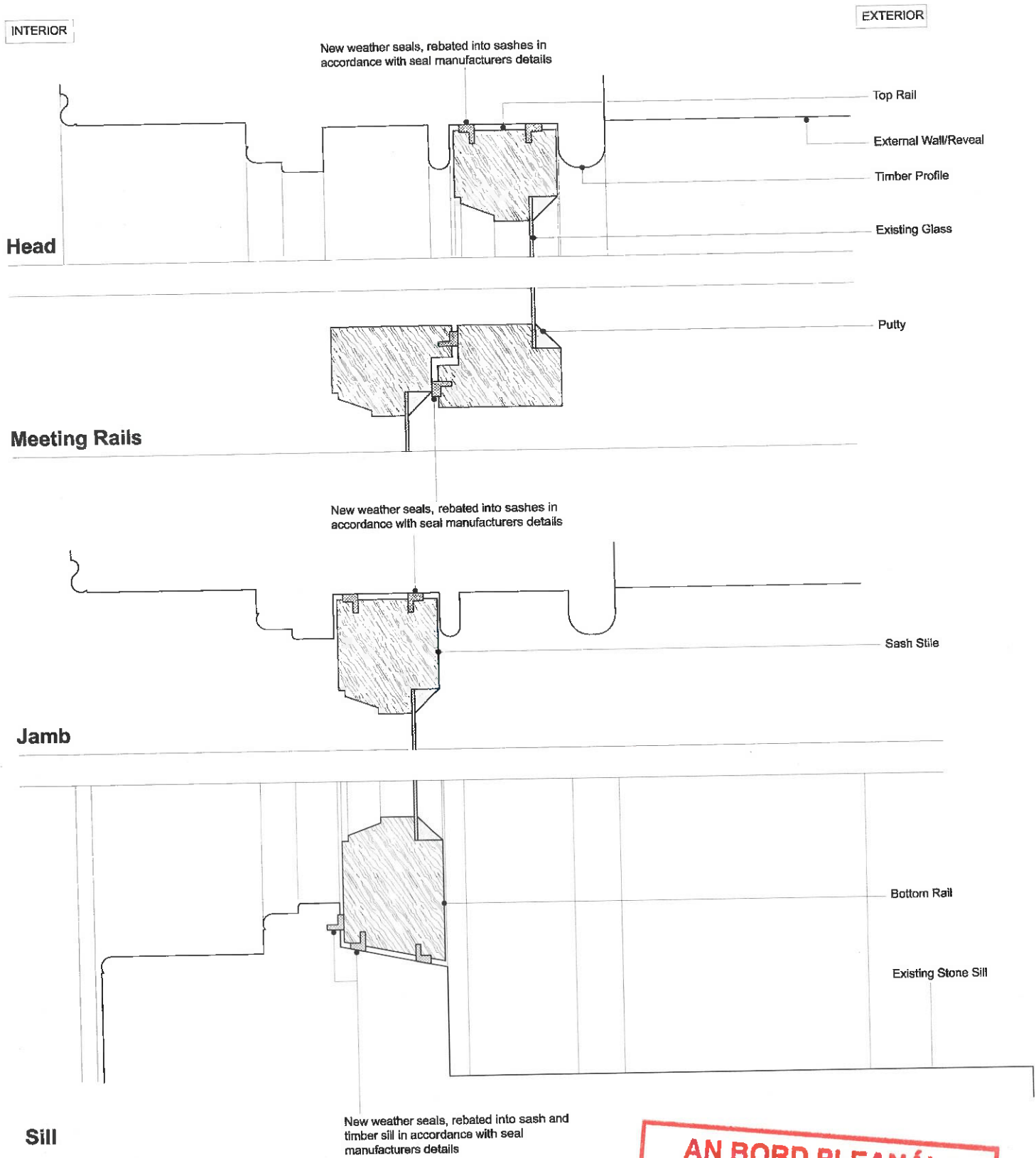
ABP- \_\_\_\_\_



# Window Sash Sections - Proposed - 5 Dartmouth Square

Scale 1:2.5, Sash shown with wood grain pattern

NOTE - NEW WEATHER SEALS SHOWN CROSS HATCHED



NOTE: Existing windows shown on drawing 1808-S5-2.0.0 labelled A to G to be removed, refurbished and sashes fitted with new weather seals to reduce draughts. Seals to be Schlegel Aquamac or equal approved (shown cross hatched on proposed sections). Existing overpainting to be removed and counterweight pulleys freed and cords replaced with windows returned to fully functioning condition and restrictors fitted (Angel Ventlock or equal approved) for child safety. Existing glass to be retained.

**AN BORD PLEANÁLA**

**13 NOV 2019**

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_



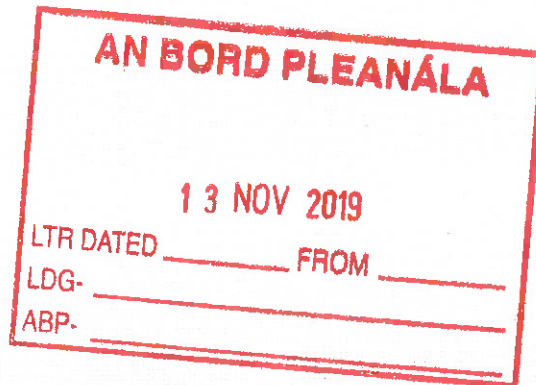
Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

Planning Registry & Decisions, Planning Department  
Civic Offices, Wood Quay, Dublin 8

Clárann / Cinní Pleanála  
An Roinn Pleanála agus Forbartha, Clárann / Cinní  
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8  
Registry T: (01) 222 2149 / F: (01) 222 2675  
Decision T: (01) 222 2288 / F:  
(01) 222 3097

29-Aug-2019

Steven Phillips,  
Number 8 Studio  
Torytops  
Ballinteer Road  
Dublin 16



**Number 8 Studio**

30 AUG 2019

**RECEIVED**

<b>Application Number</b>	0354/19
<b>Registration Date</b>	31-Jul-2019
<b>Decision Date</b>	27-Aug-2019
<b>Decision Order No.</b>	P4772
<b>Location</b>	5, Dartmouth Square, Dublin 6
<b>Proposal</b>	EXPP: PROTECTED STRUCTURE: 1. The refurbishment of the 4 existing windows to the front of the house at the main entrance (ground floor) level and the first floor level. 2. The refurbishment of the 3 existing windows to the rear of the house at the main entrance (ground floor) level and the first floor and attic levels, including repairs and/o renewal of the patent reveals. 3. The fitting of draught restricting weather seals to the windows described in 1 or 2 above to improve comfort, thermal performance and reduce energy consumption. 4. The fitting of restrictors to the windows described in 1 and 2 above to improve safety. 5 Re-landscaping the front garden, without making any changes or works to the existing railings; to provide a gently sloping path to the lower ground level for baby buggies and bicycles.
<b>Applicant</b>	Conor Power & Loraine Mulligan

Dear Sir/Madam,

With reference to the above application, I am directed by the Assistant Chief Executive to formally request that you submit the following ADDITIONAL INFORMATION in accordance with Section 5 of the Planning and Development Act 2000 (as amended).

The applicant is requested to provide details on the height/depth/length of the proposed wall along the northern boundary, an elevation drawing showing its height in relation to the front façade of the house and the material to be used in its construction. This information is to include any proposal for a perpendicular wall at its eastern end.

Ceannofig, Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8, Éire  
Head Office, Civic Offices, Wood Quay, Dublin 8, Ireland

NOT1expp-ai

T. 01 222 2222 W. www.dublincity.ie

Planning Registry & Decisions, Planning Department  
Civic Offices, Wood Quay, Dublin 8

Clárlann / Cinntí Pleanála  
An Roinn Pleanála agus Forbartha, Clárlann / Cinntí  
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Claith 8  
Registry T: (01) 222 2149 / F: (01) 222 2675  
Decision T: (01) 222 2288 / F:  
(01) 222 3097

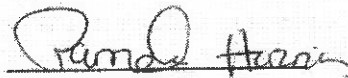
29-Aug-2019

The applicant is requested to provide section drawings showing the alteration to the slope of the garden across both the grass and the new path to assess whether this will have an impact on the protected structure, particularly within the context of the surrounding gardens. These should be dimensioned so that the impact can be fully assessed.

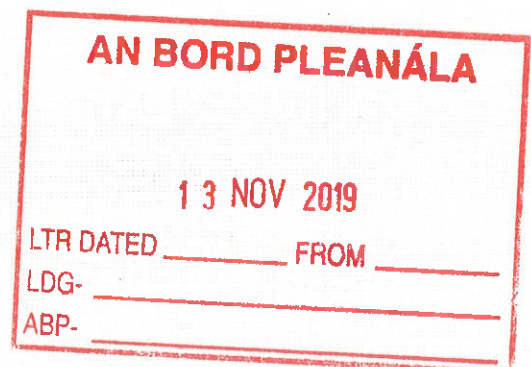
The applicant is requested to submit full details on the colour texture and nature of the material to be used for the path in order for the impact of this on the protected structure to be assessed.

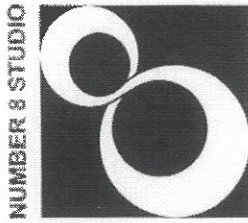
**Please note that the effective lodgement date of your application will be the date on which this notice has been complied with.**

Signed on behalf of the Dublin City Council



for Assistant Chief Executive





4<sup>th</sup> October 2019

Planning Department  
Dublin City Council  
Civic Offices  
Wood Quay  
Dublin 8

**Re: Further Information - Section 5 Application 0354/19 for 5 Dartmouth Square, Dublin 6**

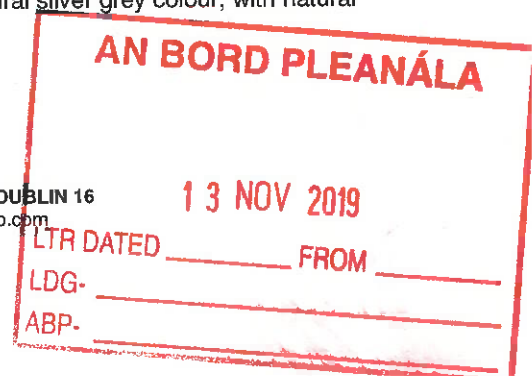
Dear Sirs,

In response to your written request for additional information dated 29 August 2019 regarding the Application for a Section 5 Declaration on exempted development reference 0354/19 for proposed works to the house located at 5 Dartmouth Square, Dublin 6, which is a Protected Structure, please find enclosed two drawings to address your queries.

The additional information, in reference to your requests, can be summarized as follows;

- *Details on the height/depth/length of the proposed wall along the northern boundary* – Heights, depths and length are noted and comprehensively dimensioned on the drawings. Note that the wall is at least 250mm from the existing boundary fence and the top of the wall is no more than 350mm above finished ground level and typically 60mm below the ground level at the boundary.
- *An elevation drawing showing its height in relation to the front facade of the house and the material to be used in its construction* – Sections x-x and y-y on the drawings include elevations that show the proposed low wall in relation to the front facade of the house, and the construction is noted on the Plan
- *This information is to include any proposal for a perpendicular wall at its eastern end* – The wall is only 3380mm long and there's a short return 700mm long at the eastern end and this is 240mm above finished ground level and typically 60mm below the ground level at the boundary.
- *Provide section drawings showing the alteration to the slope of the garden across both the grass and the new path and these should be dimensioned* – Two sections labelled x-x and y-y are provided and both are dimensioned
- *Submit full details on the colour texture and nature of the material to be used for the path* – The Paving material for the path is to be 100 x 100 (Nominal) Granite Setts, natural silver grey colour, with natural split finish

NUMBER 8 STUDIO, TORYTOPS, BALLINTEER ROAD, DUBLIN 16  
T: 01 296 6375 E: info@number8studio.com



I enclose herewith in support of this application;

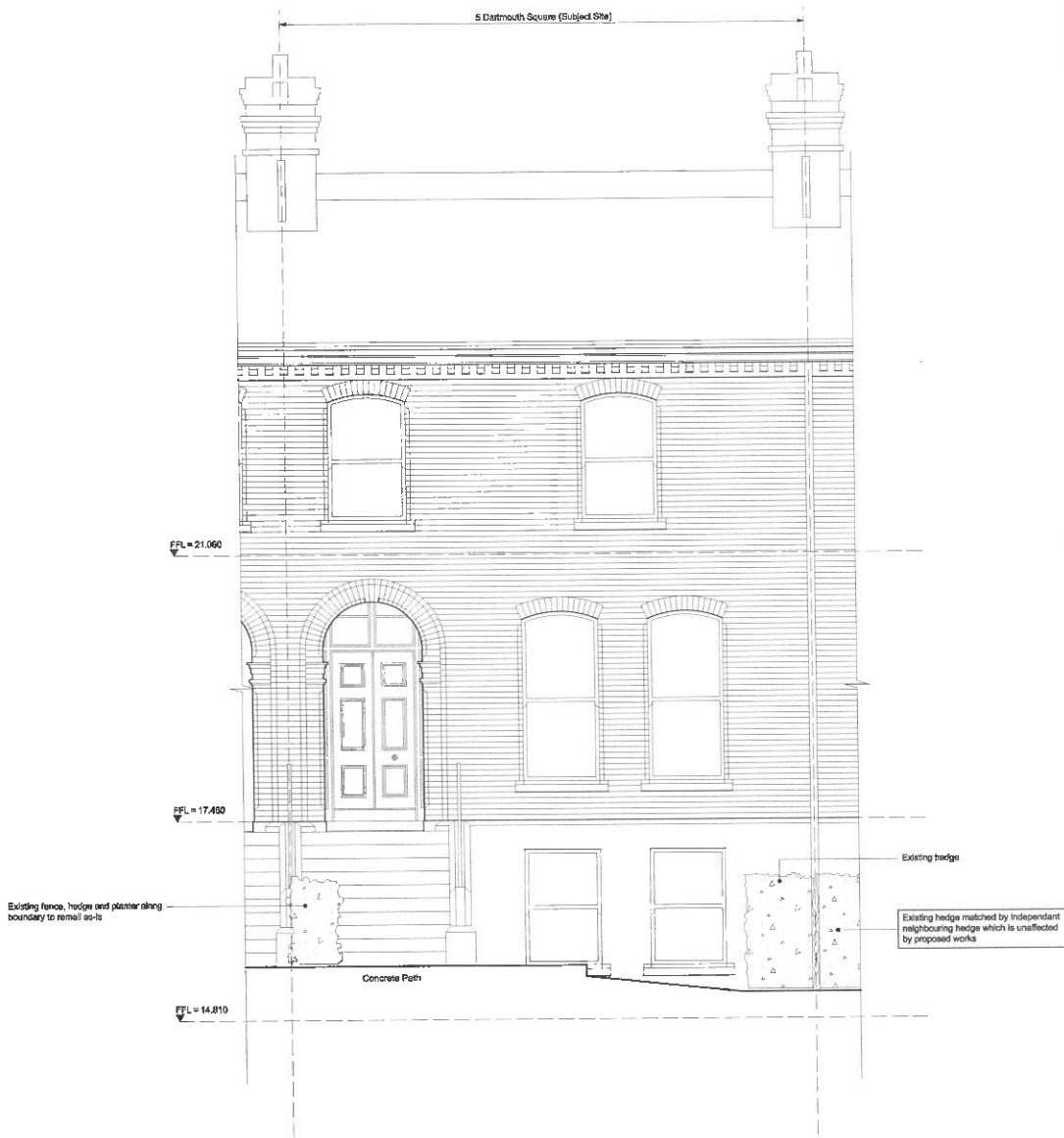
01. 2 no. copies of drawings
- Drg No.1808-S5-2.1.0 Front Garden – Proposed Detail Plan, Sections Z-Z Existing & Proposed at Scale 1:50 as noted
  - Drg No.1808-S5-2.1.1 Sections X-X Existing & Proposed at Scale 1:50 as noted

Yours sincerely,

Steven Phillips – Architect  
BArch (Hons) ANZIA MRIAI RIBA







Section X-X & Front Elevation - EXISTING

**AN BORD PLEANÁLA**  
13 NOV 2019  
LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_  
LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_





**AN BORD PLEANÁLA**

**13 NOV 2019**

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_

New screen in front of bins and bicycles, with 38 x 50 x 3 S163 frame, pre-cast and galvanneal with uprights at 750 max c/c and brace to garden wall. Fixed to slab and wall with M12 anchors at 600 max c/c with nylon cap nuts washers below to adjust level and provide clearance. 50 x 25 treated timber horizontal slats, screw fixed, stain finish with Sikolara Castol Novosch 02.07.10T (Grey) Climbing, dead to be installed over this

New hedges to match existing. No change to boundary ground level and fence to remain as-is

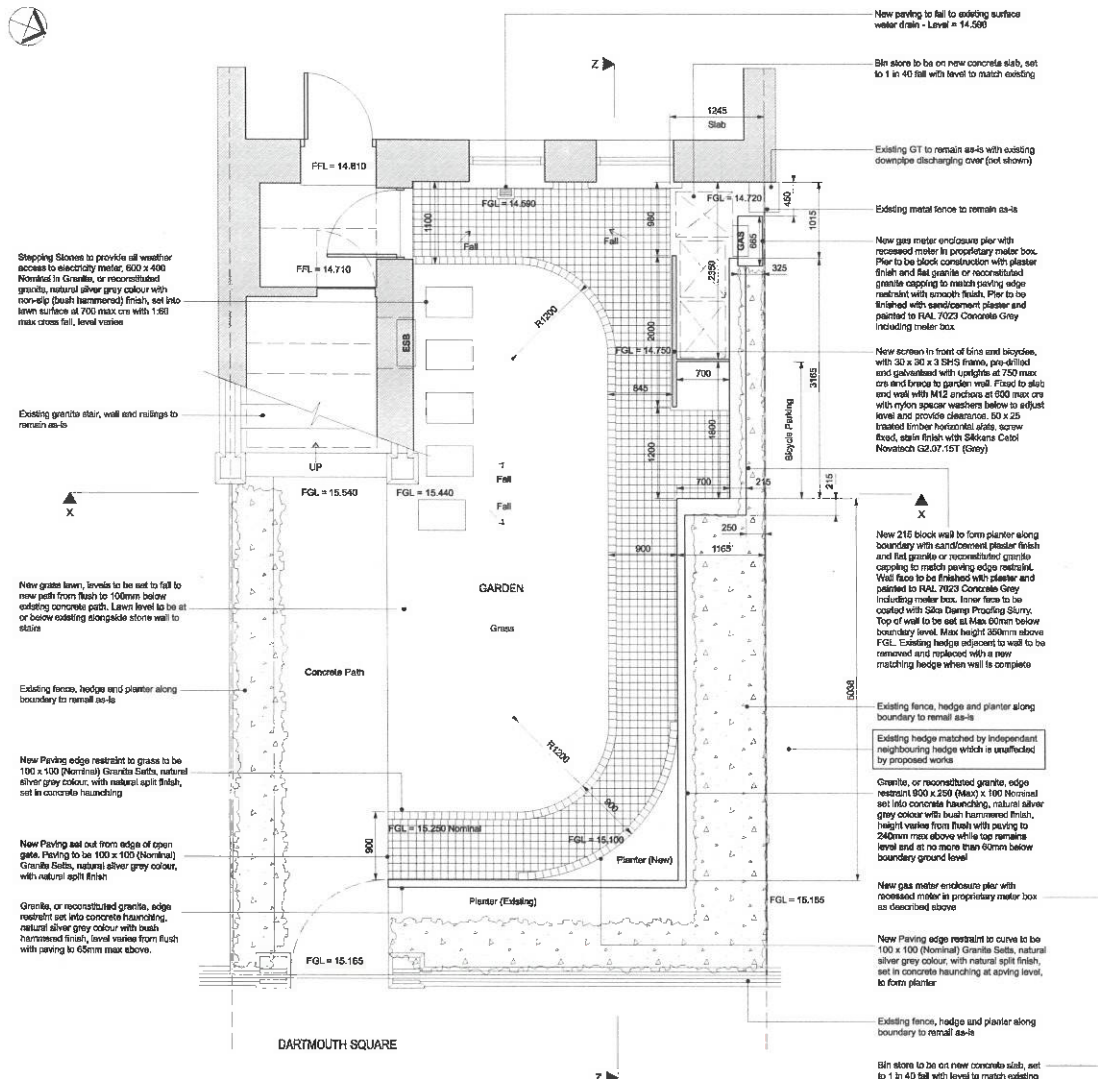
New 215 block wall to form plaster along boundary with sand/cement plaster finish and flat granite or reconstituted granite coping to match paving edge restraint. Wall face to be finished with plaster and painted to RAL 7002 Concrete Grey including meter box. Inner face to be coated with Silm Damp Proofing Slurry. Top of wall to be set at Max 60mm below boundary level. Max height 350mm above FCL.

Section X-X & Front Elevation - PROPOSED

**FURTHER INFORMATION**

Application for Section 5 Declaration Reference 0354/19

Revision:	Date
<b>NUMBER 8 STUDIO</b> TORYTOPS, BALLINTEER ROAD, DUBLIN 16 00353 (1) 296 6375 info@number8studio.com	
Stage	Date
<b>SECTION 5</b> NOT TO BE USED FOR CONSTRUCTION	Oct 2019
Project	Scale @ A2
5 Dartmouth Square DUBLIN 6	1:50
Title	Drawn
Section X-X, Existing & Proposed	SP
	Checked
	SP
	Drawing No.
	1808-S5-2.1.1
	Rev



Partial Site Plan, Front Garden - PROPOSED

**AN BORD PLEANÁLA**

13 NOV 2019

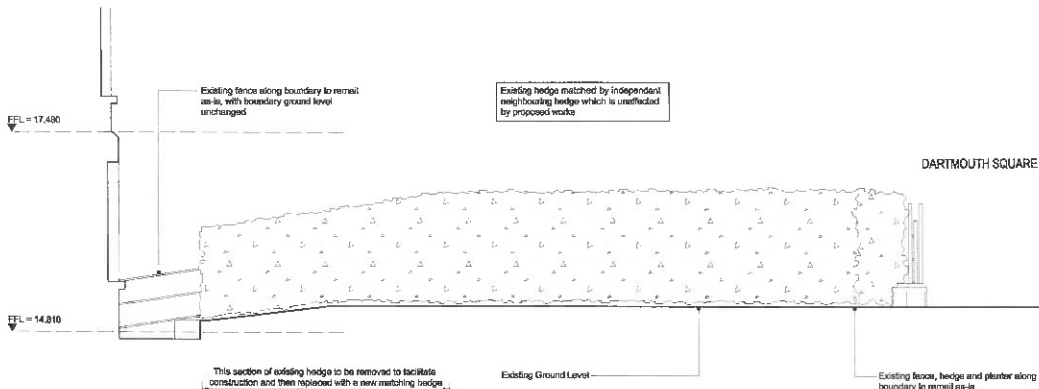
LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

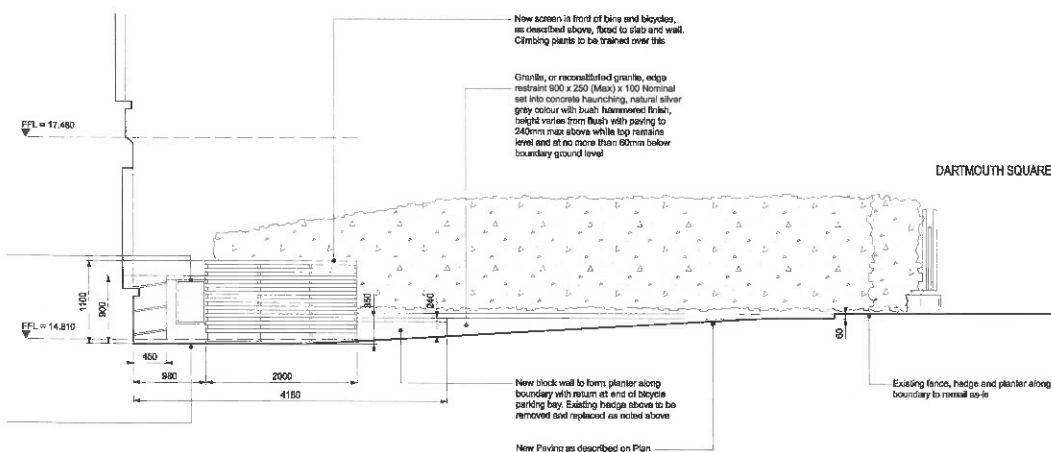
ABP- \_\_\_\_\_







Section Z-Z & Front Elevation - EXISTING

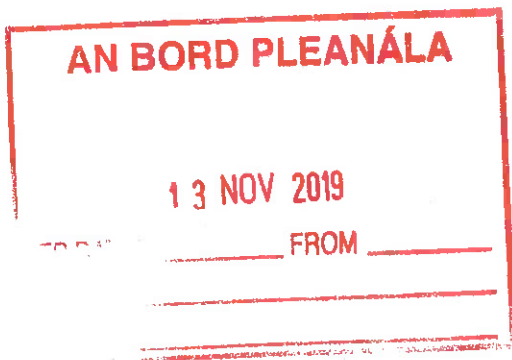


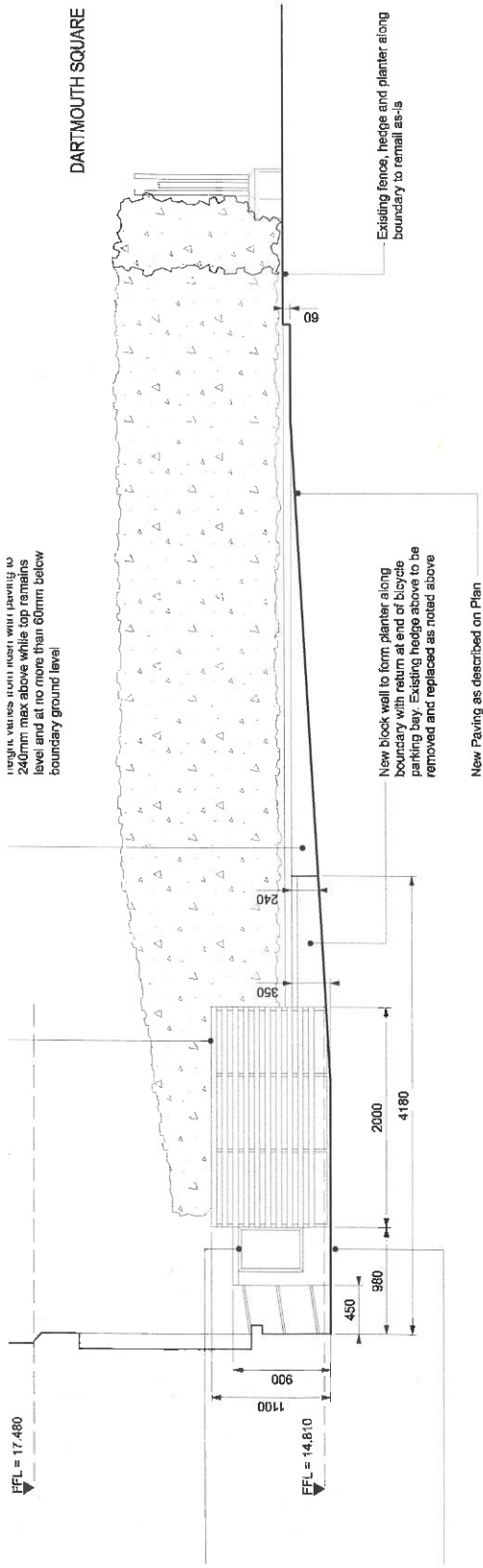
Section Z-Z & Front Elevation - PROPOSED

### FURTHER INFORMATION

Application for Section 5 Declaration Reference 035416

Revision:	Date
<b>NUMBER 8 STUDIO</b> TORYTOPS, BALLINTEER ROAD, DUBLIN 18 00353 (1) 296 6375 info@number8studio.com	
Steps <b>SECTION 5</b> NOT TO BE USED FOR CONSTRUCTION	Date Oct 2019 Scale A2 1:50
Project 5 Dartmouth Square Dublin 6	Drawn SP Checked SP
Title Front Garden - Proposed Detail Plan Section Z-Z, Existing & Proposed	Drawing No 1808-SS-2.1.0 Rev




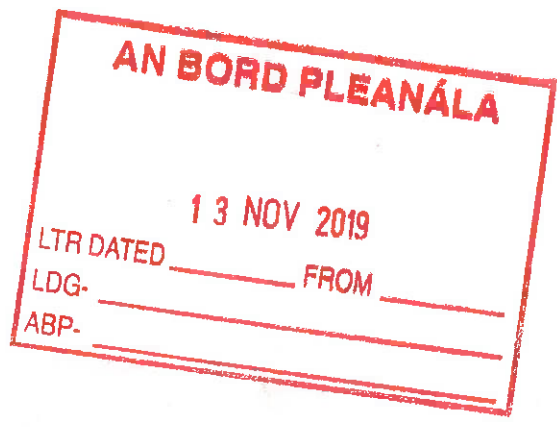


**Section Z-Z & Front Elevation - PROPOSED**

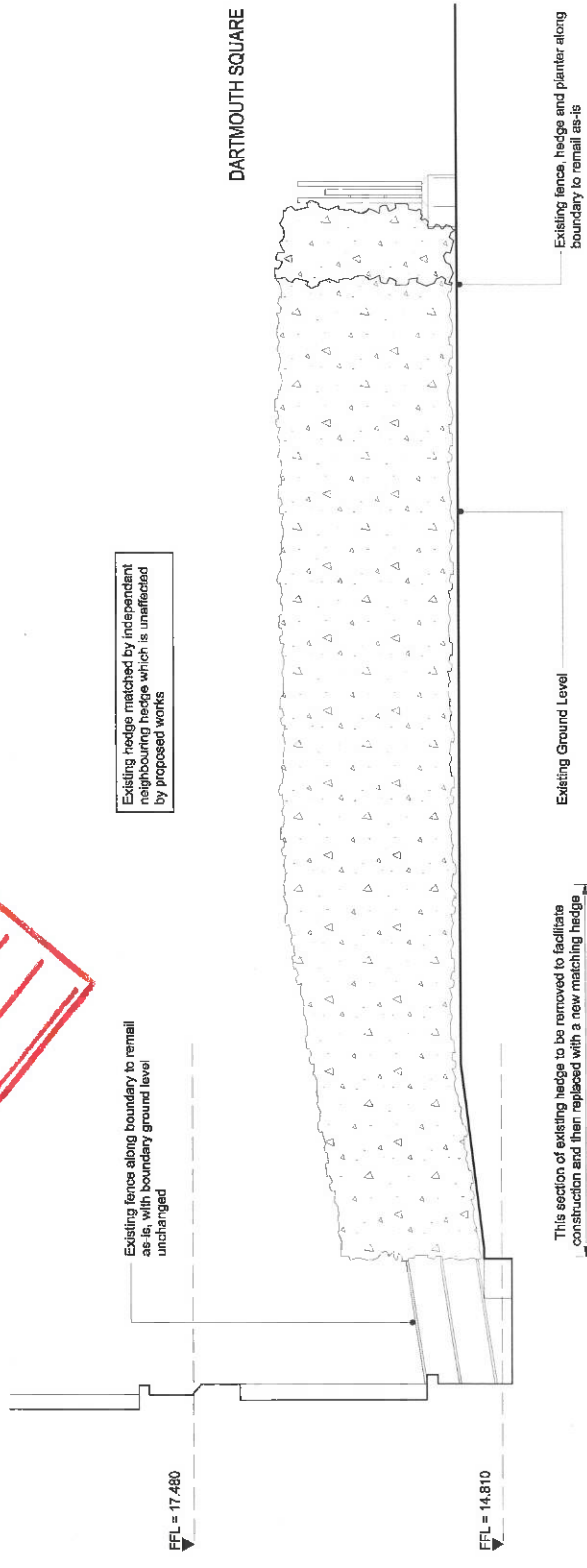
# FURTHER INFORMATION

Application for Section 5 Declaration Reference 0354/19

Revision:	Date
 <b>NUMBER 8 STUDIO</b> TORYTOPS, BALLINTEER ROAD, DUBLIN 16 00353 (1) 296 6375 info@number8studio.com	
Stage	Date
<b>SECTION 5</b>	Oct 2019
NOT TO BE USED FOR CONSTRUCTION	Scale @ A2 1:50
Project	Drawn
5 Dartmouth Square	SP
Dublin 6	Checked
	SP
Title	Drawing No.
Front Garden - Proposed Detail Plan	1808-S5-2.1.0
Section Z-Z, Existing & Proposed	Rev



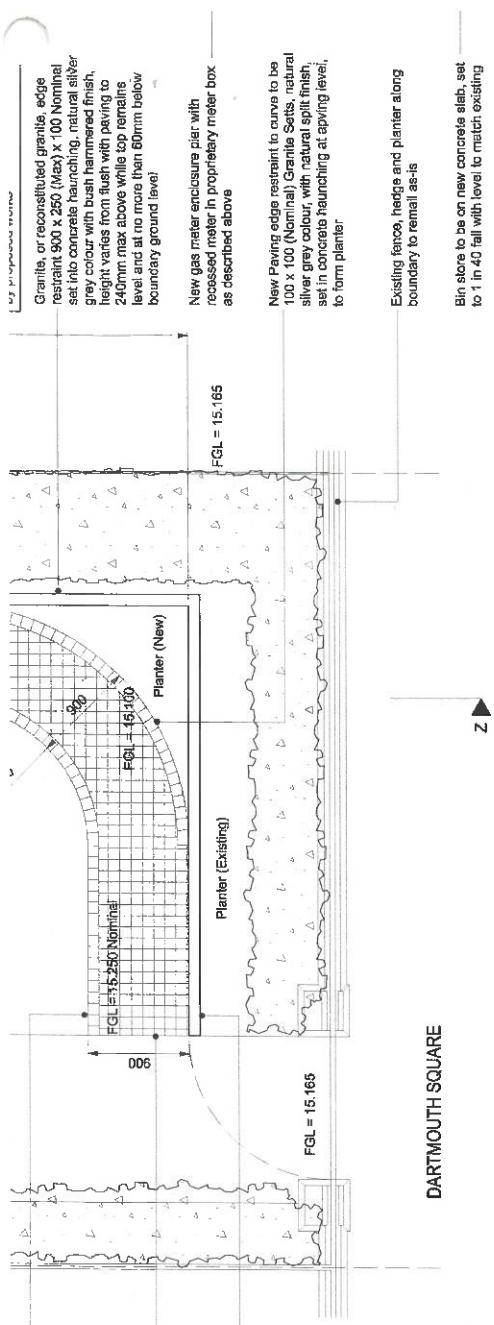
AN BORD PLEANALA  
 13 NOV 2019  
 DATED \_\_\_\_\_ FROM \_\_\_\_\_  
 BY \_\_\_\_\_  
 FOR \_\_\_\_\_



**Section Z-Z & Front Elevation - EXISTING**

- New screen in front of bins and bicycles, as described above, fixed to slab and wall. Climbing plants to be trained over this
- Granite, or reconstituted granite, edge restraint 900 x 250 (max) x 100 Nominal set into concrete haunching, natural silver grey colour with bush hammered finish.





new paving edge restraint to grass to be 100 x 100 (Nominal) Granite Setts, natural silver grey colour, with natural split finish, set in concrete haunching

New Paving set out from edge of open gate. Paving to be 100 x 100 (Nominal) Granite Setts, natural silver grey colour, with natural split finish

Granite, or reconstituted granite, edge restraint set into concrete haunching, natural silver grey colour with bush hammered finish, level varies from flush with paving to 240mm max above while top remains boundary ground level.

New gas meter enclosure pier with recessed meter in proprietary meter box as described above

New Paving edge restraint to curve to be 100 x 100 (Nominal) Granite Setts, natural silver grey colour, with natural split finish, set in concrete haunching at opening level, to form planter.

Existing fence, hedge and planter along boundary to remain as-is

Bin store to be on new concrete slab, set to 1 in 40 fall with level to match existing

**Partial Site Plan, Front Garden - PROPOSED**



**AN BORD PLEANÁLA**

13 NOV 2019

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ASP- \_\_\_\_\_



**AN BORD PLEANÁLA**

13 NOV 2019

DATE DATED \_\_\_\_\_ FROM \_\_\_\_\_

SIGNATURE \_\_\_\_\_



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

Planning Registry & Decisions, Planning Department  
Civic Offices, Wood Quay, Dublin 8

Clárann / Cinntí Pleanála  
An Roinn Pleanála agus Forbartha, Clárann / Cinntí  
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8  
T: (01) 672 2149 / F: (01) 670 7861

Date 25-Oct-2019

Steven Phillips,  
Number 8 Studio  
Torytops  
Ballinteer Road  
Dublin 16

## Number 8 Studio

29 OCT 2019

RECEIVED

Application No.	0354/19
Registration Date	08-Oct-2019
Decision Date	25-Oct-2019
Decision Order No	P5461
Location	5, Dartmouth Square, Dublin 6
Proposal	EXPP: PROTECTED STRUCTURE: 1. The refurbishment of the 4 existing windows to the front of the house at the main entrance (ground floor) level and the first floor level. 2. The refurbishment of the 3 existing windows to the rear of the house at the main entrance (ground floor) level and the first floor and attic levels, including repairs and/o renewal of the patent reveals. 3. The fitting of draught restricting weather seals to the windows described in 1 or 2 above to improve comfort, thermal performance and reduce energy consumption. 4. The fitting of restrictors to the windows described in 1 and 2 above to improve safety. 5 Re-landscaping the front garden, without making any changes or works to the existing railings; to provide a gently sloping path to the lower ground level for baby buggies and bicycles.
Applicant	Conor Power & Loraine Mulligan

Dear Sir/Madam

With reference to the above proposal submitted by you, you are hereby notified that the Planning Authority in pursuance of the powers conferred on it by the Planning & Development Acts 2000 (as amended) has decided to **GRANT EXEMPTION** for:

The refurbishment of the 4 existing windows to the front of the house at the main entrance (ground floor) level and the first floor level.

The refurbishment of the 3 existing windows to the rear of the house at the main entrance (ground floor) level and the first floor and attic levels, including repairs and/or renewal of the patent reveals.

The fitting of draught restricting weather seals to the windows described in 1 or 2 above to improve comfort, thermal performance and reduce energy consumption.

The fitting of restrictors to the windows described in 1 and 2 above to improve safety.

subject to the conditions specified in Schedule 1,

**AN BORD PLEANÁLA**

**13 NOV 2019**

Coimisiún, Oifigí na Cathrach, Baile Átha Cliath, Dublin 8  
Head Office, Civic Offices, Wood Quay, Dublin 8

ATR DATED FROM



Planning Registry & Decisions, Planning Department  
Civic Offices, Wood Quay, Dublin 8

Clárlann / Cinntí Pleanála  
An Roinn Pleanála agus Forbartha, Clárlann / Cinntí  
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8  
T: (01) 672 2149 / F: (01) 670 7861

Date 25-Oct-2019

## SCHEDULE 1 CONDITIONS AND REASONS

The proposed works comprise development which would come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000 (as amended) and would not materially affect the character of the Protected Structure and therefore would NOT require planning permission when carried out in accordance with the Guidelines for Planning Authorities on Architectural Heritage Protection (2011) and in line with best conservation practice:

and to **REFUSE EXEMPTION** for :

Re-landscaping the front garden, without making any changes or works to the existing railings; to provide a gently sloping path to the lower ground level for baby buggies and bicycles.

Note: The landscaping works proposed include the provision of a bin store/bicycle storage area, gas meter enclosure, sloping pathway and increased hard landscaping as shown on Drawings 1808-S5-2.1.0 and 1808-S5-2.1.1. The cumulative effect of the proposed interventions to the front garden of the protected structure would materially affect its character and cannot be considered exempted development.

for the reasons set out in Schedule 2

## SCHEDULE 2 REASONS

The proposed works comprise development which would not come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000 (as amended) as the proposed development would materially affect the character of the Protected Structure and therefore would require planning permission:

Signed on behalf of Dublin City Council

  
for Assistant Chief Executive

<b>AN BORD PLEANÁLA</b>	
13 NOV 2019	
LTR DATED _____	FROM _____
LDG- _____	_____
AP _____	_____

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