



An Bord Pleanála

Inspector's Report

PL06D.246428

DEVELOPMENT:- Permission for retrospective permission for removal of front façade of nos. 7 and 8 Tivoli Terrace East and to construct new facades to match original at Ashford House Nursing Home, 6-8 Tivoli Terrace East, Dun Laoghaire, Co. Dublin.

PLANNING APPLICATION

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Reg. No.: D16A/0028

Applicant: Denise Morrin

Application Type: Permission

Planning Authority Decision: Grant Permission

APPEAL

Appellant: David Long

Type of Appeal: Third v Grant

Observers: None

DATE OF SITE INSPECTION: 10th July 2016

INSPECTOR: Mairead Kenny

1.0 SITE DESCRIPTION AND BACKGROUND

The site of the proposed development comprises a narrow strip of land at 7-8 Tivoli Terrace East. This is part of a permitted development at nos. 6-8 comprising an extension to Ashford Nursing Home, which is a long established facility in operation at no. 6. to the south. The permitted development provided for up grading of the existing facility in addition to the new construction works. The permission provided for retention of the façade at nos. 7-8, which has now been demolished. The site is cleared and implementation of the permitted scheme has halted pending a decision on the current appeal.

Photographs of the site and surrounding area, which were taken by me at the time of inspection are attached.

2.0 PROPOSED DEVELOPMENT

Permission is sought for retention of the works which have taken place involving demolition of the façade and for construction of a new façade. The drawings indicate that the two-storey over ground level façade permitted at the two former houses would be re-constructed to replicate the original proposal under Planning Reg. Ref. D13/0390.

3.0 PLANNING HISTORY

Under Planning Reg. Ref. D13A/0390 permission was granted for re-development and extension of an existing nursing home involving major works and providing for retention the façade at nos. 6-8 Tivoli Terrace East. The drawing 'Proposed Front Context Elevation (West)' shows 'Off white smooth render' and 'Selected painted Timber Windows and Doors'. At first floor level a two over two pane sliding sash window is shown. The proposal also involved some excavation at the front to facilitate insertion of new lower ground floor level windows. Following a request for further information including in relation to the demolition works proposed and the feasibility of retaining the facades permission was granted.

Under PL06D.237055 the Board upheld the decision of the Planning Authority to refuse permission for alterations and extension to no. 8 and for a garage at no. 7. Alterations proposed at ground level at no. 8 were deemed acceptable by the Inspector. There is no indication that the Board disagreed with that conclusion. The decision to refuse refers only to the impact of the two-storey rear extension on the residential amenities of no. 7 and related matters.

Concurrent with the above the Board under PL06D.236936 upheld the decision of the Planning Authority under D09A/0894 to grant permission for extensions providing for an increase the number of bedrooms and other development at 6-8 Tivoli Terrace East. The front façades of 7-8 were unaltered under the application drawings and terms of the permission.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Case Planner – The details of the previous application are re-visited in the report. The submitted front façade drawings appear to be the same as shown under the parent permission. The subject proposed replacement / replica front façades are appropriate and would not have a negative effect on the site or amenities of the area or surrounding properties.

Conservation Officer – Recommendation engagement of Grade 1 Conservation Architect to oversee replication and construction of the two buildings to ensure that the external expression of the façade is historically accurate – details of works to be agreed prior to commencement.

Transportation Planning Section – no objection. Previous report attached.

Drainage Planning Section – no objection.

4.2 Planning Authority Decision

The Planning Authority decided to grant permission subject to conditions including:

- save for amendments on foot of this permission development to be completed in accordance with Planning Reg. Ref. D13A/0390
- prior to commencement applicant to submit for written agreement of Planning Authority confirmation from a Grade 1 Conservation Architect that the replacement façade shall be constructed to conform with measured drawings and details to result in a façade that is historically accurate and comparable to the similar features of adjacent properties on Tivoli Terrace East
- payment of outstanding financial contributions under Planning Reg. Ref. D13A/0390 prior to commencement.

5.0 GROUNDS OF APPEAL

5.1 Grounds of Appeal

The main points of the third party appeal are:

- the destruction of the façades was deliberate and no attempt was made to stabilise or support the original facades to be retained
- the destruction of the facades and the inadequate pastiche poor quality reconstruction will dis-improve the streetscape

- application drawings and details are inadequate and contain no assessment of the importance of the facades in the context of the area including original photographs
- inappropriate proposals for reinstatement including precast concrete cills, concrete parapets and aluminium windows
- overdevelopment of site
- description of development is flawed and inaccurate as it refers only to the reconstruction of the façade and not to further intensification and amendments
- details of the reconstruction should be prepared by a Grade 1 Conservation Architect and reconstruction of the façade and the development as a whole should be monitored by the Planning Authority to an agreed schedule.

6.0 RESPONSES

6.1 Planning Authority response

The Planning Authority refers to the planner's report and recommended conditions.

6.2 First party response

The main points of the first party response are:

- the submissions to the Planning Authority under Planning Reg. Ref. D13A/0390 included details of construction methods regarding propping and bracing of the façade, which were approved
- during works it became evident to the contractor and the professional team that the intended stabilisation could not be undertaken on health and safety grounds and the façade was demolished with an intention to replicate and reinstatement
- the substantive works to the nursing home are permitted and are progressing and the façade was removed only after very careful consideration by a full team of experienced construction professionals
- notwithstanding the lack of any conservation objectives the applicant is conscious of the importance of maintaining the streetscape
- the pre-existing façade was rendered in sand and cement and aluminium windows and concrete cills had been installed so that it contained virtually no original period features

- sufficient details of the works are provided and a Conservation Architect appointed
- comments made by the applicant regarding the standard of accommodation are not relevant but in any case are rejected
- the façade will match the dimensions and proportions of the original and the new façade has no benefit to the applicant.

Submissions include:

- letter from contractor to architect dated 23rd November 2015 referring to the major structural defects in certain areas of buildings and stating that they were in a dangerous condition and posing a risk to health and safety
- photographs of front façade prior to demolition
- letter from Chartered Engineer referring to site inspection of 26th November 2015 and the conclusion that the condition of the façade was such that stabilisation of the wall would be impractical and pose a serious risk to health and safety
- letter from Hamilton Young Architects confirming their appointment as Grade 1 Conservation Architects
- letter from HSE referring to importance of the facility.

7.0 POLICY CONTEXT

Architectural Heritage Protection – Guidelines for Planning Authorities

Façade retention is rarely an acceptable compromise. This statement in section 6.8.17 refers to protected structures.

16.3.1 refers to rebuilding after total loss of fabric. This may be appropriate in a terrace for example.

Dun Laoghaire Rathdown County Development Plan 2016-2022

The subject buildings are not protected structures and are not located in an ACA. No such designations apply to buildings in the vicinity.

8.0 ASSESSMENT

Notwithstanding the fact that the subject buildings whose facades have been demolished are not protected structures or located in an Architectural Conservation Area, the evidence is that the buildings did retain a streetscape value being in the middle of a street containing similar Victorian buildings. There is also evidence to

suggest that the architectural heritage value of the building was diminished by inappropriate alterations including a sand and cement render, modern and inappropriate windows and concrete cills.

Regarding the principle of demolition and whether it was necessary I consider that the evidence suggests that the demolition was undertaken on foot of concerns of the building contractor and following engineering advice. The first party submissions outline the facts in detail. This measure would appear to have been a last resort and undertaken in the context of health and safety concerns.

Regarding the proposal to reinstate a replica façade I refer to the planning history and to the Department's Guidance. The permitted development provided for retention of the façade. The purpose of the current application now is to reinstate a replica façade which would be in keeping with that permitted. In the circumstances where there is total loss of fabric and the building contributes to group setting this approach is supported under section 16.3.1 of the Architectural Heritage Protection Guidelines. The development of a replica building is acceptable in principle.

Regarding the detail of the submission, I note the consideration of the application submission by the Conservation Officer of Dun Laoghaire Rathdown County Council. In line with the points made in the appeal she does express concern with the level of information submitted, which she states does not convince the Conservation Division that the replacement building will be accurately reinstated. Ultimately however her recommendation at the end of her report is unambiguous and that is that permission should be granted for a replica façade subject to conditions. Those conditions including the appointment of a Conservation Architect are accepted by the applicant and that appointment has taken place.

The appellant identifies other issues including some which are outside the terms of the current case. The description of the development is acceptable in my opinion.

I note that the Planning Authority attached a requirement relating to payment of outstanding contributions. I consider that this is not necessary, subject to condition 1 recommended below.

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9.0 RECOMMENDATION

I recommend that the Board uphold the decision of the Planning Authority.

It is considered that the proposed development should be granted for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the planning history and to the circumstances leading to the demolition of the facades to buildings, which are not protected structures and are not within an Architectural Conservation Area and to the proposed replication of the previously permitted facades it is considered that the proposed development would not detract from the streetscape. The proposed development would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of planning register reference number D13A/0390, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

2. Prior to commencement of development, the developer shall provide for the following:-

(a) The appointment of a conservation expert, who shall manage, monitor and implement works.

(b) The submission of detailed drawings of all elements of the façade including windows and doors, steps, render and rainwater goods.

All restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The development shall provide for the reinstatement of a façade which is historically accurate in the context of the streetscape.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

Mairead Kenny

Senior Planning Inspector

12th July 2016