



An
Bord
Pleanála

Inspector's Report PL.06D.249004

Development

Conversion of a Protected Structure, consisting of three self-contained apartments to one residential unit. Internal alterations, changes to windows, external insulation, mechanical gate to an existing vehicular entrance off Royal Terrace West, services, etc.

Location

1 Carlisle Terrace, Tivoli Road, Dun Laoghaire, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D17A/0176.

Applicants

David & Dara Townsend.

Type of Application

Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

First Party V. Condition No. 2 and No. 3.

Appellants

David & Dara Townsend.

Observers

None.

Date of Site Inspection

18th October 2017.

Inspector

Dáire McDevitt

1.0 Site Location and Description

- 1.1. The appeal site, No. 1 Carlisle Terrace, forms part of a terrace of six houses, all of which are Protected Structures, dating from the mid-1800s. It is located on the southern side of Tivoli Road, to the east of Royal Terrace Lane and west of Royal Terrace West. The area is predominately residential and is c. 500m south of Dun Laoghaire town centre.
- 1.2. No.1, is a two storey over basement end of terrace house with a three storey rear return and is subdivided into three apartments. There are granite external entrance steps with wrought iron balustrade leading to the main entrance.
- 1.3. The structure fronts onto Tivoli Road where the northern boundary consists of wrought iron railings on a granite base with a pedestrian gate. To the east, the boundary along Royal Terrace West, is a ruled and lined rubble stone wall with rendered rounded copings. The site is bounded to the south by 'Whitethorn', 1A Royal Terrace West. On the opposite (northern) side of Tivoli Road, No. 11 Mulgrave Terrace fronts onto Mulgrave Terrace and forms the corner with Tivoli Road. There are traffic lights at the junction (crossroads) of Tivoli Road with Mulgrave Terrace and Royal Terrace West.
- 1.4. The existing vehicular entrance to No. 1 Carlisle Terrace is off Royal Terrace West c.20 metres south of the junction with Tivoli Road. There are double yellow road markings along the road at this point, with designated paid parking bays located to the south of the entrance which continue southwards along Royal Terrace West.
- 1.5. Photographs, aerial images and maps are in the file pouch.

2.0 Proposed Development

- 2.1. The proposal consists of:

The conversion of No. 1 Carlisle Terrace from three self-contained apartments to a single family home and associated internal alterations. External works include:

- The application of lime stone rendered external insulation to the side gable wall, rear elevation and side and rear return elevation walls.
- Application of new lime render finish to the front elevation basement level.
- Installation of motorised gates to the existing vehicular entrance.

The following documentation was included with the application:

- Architects Report.
- Architectural Heritage Impact Assessment.
- Hydrothermal Risk Assessment.
- Proposal for the use of the External Insulation and rationale report.
- British Board of Agreement Certificate for the Warmshell System.
- U value calculations.
- Construction detailing and data sheet for materials to be used.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 6 conditions, these include:

Condition No. 2:

Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority, revised plans indicating the omission of the proposed external insulation from the development.

Reason: In order to safeguard the special architectural significance of the building.

Condition No. 3:

The proposed new sliding motorised gates shall be omitted and replaced with manual sliding gates.

Reason: In the interest of traffic safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports (24th April 2017 & 7th July 2017)

The main issues are summarised as follows:

- The principle of the development is considered generally acceptable in terms of impact on residential amenity and impact on architectural heritage as the majority of the proposed alterations would not result in any adverse impact on the architectural interest of the building. The exception being the use of external insulation.
- The main concerns related to architectural heritage. The recommendations of the Conservation Division formed the basis for the Further Information request, this is addressed in more detail in section 3.2.2.3 of this report
- The Area Planner recommended a grant of permission subject to 6 conditions which included:
 - Condition no. 2 requiring the omission of the external insulation was on the basis of the Conservation Divisions recommendations
 - Condition No. 3 relating to the omission of a mechanical sliding gate following the Transportation Planning Divisions recommendations.

3.2.2. Other Technical Reports

3.2.2.1 Drainage Division (5th April 2017): No objection.

3.2.2.2 Transportation Planning Division (12th April 2017): No objection subject to the omission of the mechanical sliding gates, in accordance with Section 8.2.4.9, and their replacement with manual sliding ones.

3.2.2.3 Conservation Division (21st April 2017 & 6th July 2017):

- The Conservation Division was generally supportive of the application and concluded that the majority of the works would not pose any built heritage concerns or result in any adverse impact on the architectural interest of the building.

- Reservations raised in relation to the proposal to improve the thermal insulation performance of the building by wrapping the external wall (not the façade) with a wood-fibre and lime-rendered system. It was noted that the applicants made a case for the use of the product insofar as No. 1 Carlisle Terrace is devoid of any decorative features save from the façade, the return is not paired with its neighbour and it is the end of terrace, all of which were noted as advantageous factors in considering the use of the external insulation. However, the Conservation Division remained cautious as this would be the first instance in Dun Laoghaire Rathdown should its use be approved and would set a precedent.
- Further information was recommended on four items as follows: 1) details of a planning reference relating to the use of external insulation on a Protected Structure in Ireland, 2) details regarding sash windows, 3) clarification of the treatment of voids between the shutters and external wall to reduce thermal bridging and 4) details of the internal treatment at basement level to be clarified. Items No. 2, 3, 4 were addressed to the satisfaction of the Conservation Division.
- The report concluded, on the basis of the information submitted in relation to item no. 1, that the applicants had not provided sufficient evidence to support their claim that the warmshell system was approved for the No. 10 Mill Street Project (Dublin City Council Ref. No. 3475/14) or demonstrated a national precedent for its use. Therefore, in the interest of protecting the architectural integrity of No. 1 Carlisle Terrace, it was recommended that the external insulation element be omitted from any grant of permission.

3.3. Prescribed Bodies

The Planning Authority referred the file for comment to the Heritage Council, An Taisce, the Arts Council, Failte Ireland and the Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs. No responses received.

3.4. Third Party Observations

None.

4.0 Planning History

There is no planning history attached to the site as per the Councils' Planning Registry.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

- The site is located within an area zoned under Land Use Objective 'A' *To protect or improve residential amenity.*
- The southern portion of the site is located within the boundaries of the Royal Terrace Architectural Conservation Area.
- No. 1 Carlisle Terrace, Tivoli Road is a Protected Structure (RPS Ref. No. 1161).
- All 6 houses at Carlisle Terrace are included in the Record of Protected Structure.

Built Heritage

Policy AR7 of the County Development Plan refers to the need to improve the energy efficiency of Protected Structures provided that the retrofitting of energy efficiency measures does not harm or compromise the special interest of the Protected Structure.

Policy AR8 refers to development of nineteenth and twentieth century buildings, estates and features and the need to ensure their character is not compromised and to encourage the retention of features that contribute to their character such as roofscapes and boundary treatments.

General Development Management Standards

Section 8.2.11.2 (i) refers to development management standards for works to Protected Structures. In particular, the need to ensure that the highest conservation standards are adhered to and that alterations and extensions should not detract from their significance or value.

Section 8.2.4.9 refers to the criteria for vehicular entrances and hardstanding areas. Automatic electronic gates into residential developments are not favoured and should be omitted. Electronic or automatic gates are not acceptable in terms of road safety unless the entrance is set back 6m from the back of the footway to avoid a roadway or footpath being obstructed by a vehicle while the gate is opening. In general, outward opening gates will not be considered acceptable.

5.2 Guidelines

5.2.1 Architectural Heritage Protection Guidelines 2011 (DAHG)

These set out guidance on architectural heritage protection.

Section 6.8.2 refers to the need to protect protected structures, in particular their elevations from new extensions by ensuring that, where permitted, they do not obscure, damage or destroy important features of the Protected Structure.

Chapter 7 relates to conservation principles and includes section 7.1.5 which relates to compliance with building regulations.

5.2.2 Department of Arts, Heritage & the Gaeltacht. Advice Series Booklet, Energy Efficiency in Traditional Buildings, 2010

This document sets out advice for energy efficiency measures to improve the energy performance of traditional buildings. It explores ways of improving energy efficiency while maintaining architectural character and significance. Its

intention is to show how to improve the quality of the architectural environment while maintaining the historic fabric of buildings.

In relation to the external insulation of walls, the advice notes that in order to fully exploit the benefits of its thermal mass, a solid masonry wall would ideally be insulated on the exterior face. However, as many external facades would be completely altered by the addition of external insulation, it is likely to be inappropriate for most traditional buildings. And even on buildings with plain rendered facades, external insulation can be problematic as the thickness of the insulation may affect details at junctions, around windows, etc.

It also noted that amongst the drawbacks is the fact that the materials were relatively untried and untested in Irish Climatic conditions.

5.3 UK Guidance

The Department of Culture, Heritage and the Gaeltacht have referred to UK guidance. This guidance is only relevant as background information and the most relevant is **Practical Building Conservation. Building Environment**, English Heritage, 2014. This includes advice on the use of external insulation on historical buildings.

5.4 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the first party appeal relating to condition No. 2 and No. 3 can be summarised as follows:

Condition No. 2 (External Insulation):

- The existing end of terrace house is constructed of solid masonry rubble walls with lime rendered internal and external wall finishes without any insulation, a wall construction which required that the building fabric be permitted to 'breathe' to aid dissipation of any penetrating moisture.
- It is proposed that the external walls to the side gable, rear elevation and rear return elevations be externally insulated with a system of breathable 'open cell' external insulation and breathable modified natural lime render; a proprietary system branded as 'warmshell'. These existing elevations have no historic stucco detail or other embellishment save for some detail at the corner of the street elevation.
- No external insulation is proposed to be applied to the front elevation where stucco detailing survives.
- Detailed technical, conservation and construction reports were submitted with the application. The proposed external insulation system was designed in consultation with the projects conservation architects.

The appeal includes:

- Conservation Architects Report.

The main conclusions are summarised as follows:

- It may be argued that insulation placed on the exterior is more consistent with conservation objectives than when fitted internally.
- The warmshell system is finished in a modified lime render which is identical in appearance to a traditional finish. It would not diminish or injure the external detailing of the Protected Structure as it will appear consistent with the external presentation of the existing building.
- There is a precedent in Ireland for the use of warmshell on a protected structure. The further information submission referred to No. 10 Mill

Street, Blackpitts, Dublin 8 (Dublin City Council Ref. 3475/14, An Bord Pleanála Reference PL.29S.244805).

- At no stage during the pre-planning, planning application or at further information stage were the Conservation Divisions reservations regarding the use of external insulation made clear.
- The use of external insulation would improve the sustainability of the building and the quality and health of the internal environment for its occupiers.

The appeal also included:

- A statement from Peter Cox, President ISCES+CC confirming the use of a warmshell system at No. 10 Mill Street, Blackpitts, Dublin 8.
- A copy of “The Bristolian Guide to Solid Wall Insulation.”

6.2. Planning Authority Response

The Board is referred to the previous planner’s report as it is considered that the grounds of appeal do not raise any new matters which would justify a change of attitude towards the proposed development.

6.3. Observations

None.

6.4 Prescribed Bodies

Department of the Culture, Heritage and the Gaeltacht (23rd October 2017).

The submission refers to the Advice Series Booklet, Energy Efficiency in Traditional Buildings, 2010 and the English Heritage ‘Practical Building Conservation, Building Environment’ 2014 and can be summarised as follows:

No objection to the use of external insulation subject to it being of very high standard and subject to detailed conditions relating to:

- Revised roofing, walling and windows detailing.
- Revised plans and particulars, specifications and methodology for the insulation work and an outline work programme to be prepared and approved by the developer's team of specialists prior to its submission to the Planning Authority.
- The team of specialists, including conservation architects, should be retained for the duration of the construction phase and sign off on the work upon completion.
- An as-built report on the energy-upgrading measures should be submitted to the Planning Authority within six months of the completion of the project.

The Department acknowledges that their requirements make demands on the applicant over and above the usual requirements of a planning application. But that it is in the planning authority and applicant's best interests to minimise the risks arising from the design and implementation of the work, so that the Protected Structure attains and maintains a high standard of performance in use.

6.5 Responses to the Department of the Culture, Heritage and the Gaeltacht submission.

6.5.1 Applicants Response (received by An Bord Pleanala 6th December 2017)

This can be summarised as follows:

No issue with the use of a specialist suppliers, installers and consultants to provide a combined specification and methodology for the external insulation works.

- The details of the eaves treatment in combination with the external insulation to be amended as per the Department's recommendations.
- The response sets out in detail the treatment of rainwater goods, barge stones, internal insulation, window and cill treatment and detailing for mechanical ventilation.
- The warmshell system proposed is British Board of Agreement (BBA) certified and would be installed by accredited installers. Once installed it shall be inspected by the suppliers' representative in order to avail of the warranty. The applicant is agreeable to installing a 'time of wetness' sensors with remote monitoring capability to monitor any moisture penetration or accumulation in the insulation material. The applicant, in conjunction with Building Life Consultancy, is in the process of designing the hardware for this system.
- To date conservation architects, quantity surveyor, structural and civil engineers have been employed. The project will use specialist trade persons to install the external insulation and carry out all works to the Protected Structure. However, the Departments requirement for yet another consultant to monitor the installation of these external insulation works is considered overly onerous.

6.5.2 Planning Authority Response (received by An Bord Pleanala 7th December 2017)

Request that the Board take into account the concerns raised by the Conservation Officer with regard to the use of external insulation on a Protected Structure located partly within an ACA. There are serious concerns regarding the precedent that this development would set for retrofitting external insulation onto other protected structures within the adjoining Royal Terrace ACA and the wider area.

With regards to the omission of the electronic gates, the Board is referred to the Council's Transportation Section report.

6.6 Planning Authority response to the Applicants response to the Department of the Culture, Heritage and the Gaeltacht submission. (Received by An Bord Pleanála 20th December 2017).

No new issues raised which would justify a change of attitude to the proposed development.

7.0 Assessment

Having regard to the nature and scale of the development and the specific issues arising, that being a first party appeal against condition number 2 and number 3 of the Planning Authority decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted. In that regard I note the provisions of section 139 of the Planning & Development Act 2000 (as amended). This assessment will therefore be confined to the specific appeal of conditions number 2 and 3 of the Planning Authority decision. The issue of appropriate assessment screening also needs to be addressed.

The issues can be dealt with under the following headings:

- Architectural Heritage
- Traffic
- Appropriate Assessment.

7.1 Architectural Heritage

7.1.1 Policy AR7 of the County Development Plan refers to the need to improve the energy efficiency of Protected Structures provided that the retrofitting of energy efficiency measures does not harm or compromise the special interest of the

protected structure. The Conservation Division expressed reservations regarding the use of external insulation on No. 1 Carlisle Terrace, a Protected Structure and the precedent this could set for wider use in the area. The Planning Authority on foot of these recommendation and in the interest of safeguarding the special architectural significance of the building, attached condition no. 2 requiring the omission of the external insulation.

- 7.1.2 The Conservation Division recommendations were based on the premise that the applicants had not provided sufficient evidence that a warmshell system was approved at No.10 Mill Street, Blackpitts, Dublin 8 (Dublin City Council Ref. 3475/14, An Bord Pleanala Reference PL.29S.244805) or demonstrated a national precedent for its use. This file is attached for reference.
- 7.1.3 I have examined PL.29S.244805 and note that there is no reference to the warmshell system in the Architectural Impact Assessment submitted with the application or in the Planning Inspectors report on file. The applicants have submitted a letter from Mr. Peter Cox of Carrig Conservation, who was involved in the construction stage of No. 10 Mill Street, Blackpitts, Dublin 8, confirming that the warmshell system was employed on the project.
- 7.1.4 I do not consider the issue of precedent a reasonable reason for not permitting the use of external insulation on a Protected Structure as each planning application is assessed on its own merits.
- 7.1.5 The 2010 Advice Series 'Energy Efficiency in Traditional Buildings' notes that use of external insulation on Protected Structures is a solution for retrofitting energy efficiency measures to protected structures to increase their energy performance, however it remained untested in Irish climatic conditions. The proposed external insulation would have a modified lime render finish that would ensure that the external appearance of No. 1 Carlisle Terrace would be in keeping with the remainder of the terrace.

7.1.6 The Department of Culture, Heritage and the Gaeltacht in their submission noted no objection in principle to the use of external insulation, subject to the use of a high quality designed system. Their main concerns related to the risk of inducing or exacerbating liquid-moisture problems and recommended that water shedding details at weak points should be designed to protect the insulation and its render at eaves, cornices, around windows and doors as gutter overflows should be expected. Recommendations also included the requirement for specialist sign off on works, a detailed work programme, installation of moisture sensors/monitors and an as built report on the energy upgrading installation measures. The applicant submitted a detailed response to the Department's submission, which is summarised in section 6.5.1 of this report, including revised drawings and detailing. I note that a number of the requirements set out in the Department's submission would be beyond the scope of this planning application. I am satisfied that the appointment of a conservation architect to oversee the project and the preparation of a method statement would address issues relating to the installation of the external insulation.

7.1.7 The Planning Authority attached condition no. 2 in the interest of safeguarding the architectural significance of No. 1 Carlisle Terrace. The rationale for the using external insulation at No. 1 is to improve its thermal performance by wrapping the external walls, excluding the front façade where the main features of architectural interest are located, with a wood-fibre and lime-rendered system which resembles in appearance a traditional finish and is in keeping with the existing finishes of the terrace. I am satisfied that the use of external insulation to the side gable wall (eastern elevation), rear (southern elevation) and rear returns, subject to the modifications submitted, would not harm or compromise the special architectural interest of No. 1 Carlisle Terrace and would not detract from its architectural integrity or that of Carlisle Terrace as a whole. I consider that the proposal complies with Sections 8.2.11.2, policy AR7 of the Development Plan and the guidance set out in the Architectural Heritage Protection Guidelines.

7.1.8 Therefore, if the Board is of a mind to permit the use of external insulation at No. 1 Carlisle Terrace, condition no. 2 should be amended to include the modifications received by An Bord Pleanála on the 6th of December 2017, the requirement to appointment a conservation architect to oversee the project and the submission of a method statement.

7.2 Traffic

7.2.1 Section 8.2.4.9 sets out the Council's policy for vehicular entrances and hardstanding areas. Automatic electronic gates into residential developments are not favoured in terms of road safety, unless they are 6m or more from the back of the footpath, as they could contribute to the obstruction of a roadway or footpath by a vehicle while the gate is opening. The Transportation Planning Division noted that the use of mechanical sliding gates did not comply with the policy as set out above and recommended that they be replaced with a manual sliding gate. This is the basis for condition no. 3.

7.2.2 The current proposal reduces the use of the existing entrance from serving three residential units to one family home which would reduce the traffic movements associated with the existing vehicular entrance. The entrance is located c. 20 metres from the junction with Tivoli Road where road traffic lights are located. I consider the use of mechanical gates acceptable having regard to the speed of the vehicles travelling along this section of the road and its set back from the junction. The applicants have highlighted that the gates can be operated remotely which would further reduce waiting times at the entrance. The use of a manual sliding gate at this location would require a driver to get out of their car and manually open the gate which could obstruct a roadway or footpath for longer period of time.

7.2.3 In my view, the proposal to use a mechanical sliding gate serving a single residential unit where traffic movements would be minimal would not create a traffic hazard. No objections have been noted from the Conservation Division

and I consider the use of a mechanical sliding gate at this location acceptable. Condition no 3, therefore, should be omitted.

7.3 Appropriate Assessment

7.3.1 Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

8.0 Recommendation

I recommend that the Board consider the appeal in the context of section 139 of the Planning & Development Act 2000 (as amended). I further recommend that the Board direct the Planning Authority to amend Condition No.2 and remove No.3.

9.0 Reasons and Considerations

9.1 Having regard to the nature of the external insulation proposed and the architectural character of No. 1 Carlisle Terrace, a Protected Structure, it is considered that the proposed external insulation would not adversely impact on the character and special architectural significance of the building or the adjoining Terrace, would not set an undesirable precedent and would be in accordance with the proper planning and sustainable development of the area.

Condition No. 2:

Prior to the commencement of development, the developer shall submit to and agree in writing with the Planning Authority the following:

- (a) Details of the appointment of a conservation architect, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

- (b) A method statement including plans, particulars, specifications and methodology for the external insulation works to the side gable wall (eastern elevation), rear (southern elevation) and rear returns to be installed in accordance with the plans and particulars received by An Bord Pleanála on the 6th day of December 2017.

All repair/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 repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

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

9.2 Condition No.3

Having regard to the levels of traffic associated with a single residential unit and the location of the existing entrance, the use of a motorised sliding gate would not create a traffic hazard at this location, would not set an undesirable precedent and would be in accordance with the proper planning and sustainable development of the area.

Dáire McDevitt
Planning Inspector

29th January 2018