



An
Bord
Pleanála

Inspector's Report ABP-301191-18

Development	Refurbishment / alterations to existing house.
Location	16 Barrack Street, Dundalk County Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	17/837
Applicant(s)	Thomas Smyth.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	First Party.
Appellant(s)	Thomas Smyth.
Observer(s)	None.
Date of Site Inspection	1 st November 2018.
Inspector	Karen Kenny

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1.0 Site Location and Description

- 1.1.1. The site is located on the eastern side of Dundalk Town. No. 16 Barrack Street is a mid-terrace property in a terrace of two storey red-brick dwellings that front directly onto the street. The terrace dates from the Victorian period.
- 1.1.2. The site (c. 0.09 ha) contains a two-storey dwelling with a small yard area to the rear. The dwelling dates from the 19th century (approx.) and retains much of its original features including red brick finish, sliding sash windows, cast iron guttering and brick quoins around the windows and front door.

2.0 Proposed Development

- 2.1. The applicant seeks permission to refurbishment and alter the existing dwelling and to construction a two-storey extension to the rear of the property.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 4 no. conditions. The appeal relates to conditions no. 2 (a) and 2 (b):

2 (a). The existing sash windows and timber front door shall be retained and repaired unless verifiably beyond repair to be agreed in writing with the planning authority.

2 (b). A slim double-glazed unit fixed with putty in the existing timber sash windows is acceptable.

3.2. Planning Authority Reports

3.2.1. Planning Reports

An initial assessment concluded that the proposed development was generally acceptable.

- The applicant was requested, by way of a further information request, to clarify whether it is intended to retain or replace the existing sash windows on the front elevation.
- The applicant in response clarified that it is intended to replace the existing timber sliding sash windows with new timber sliding sash windows to match the existing.
- The Conservation Officer's report states that the replacement of the windows is neither needed or justified and recommends that permission is granted subject to a condition that requires the retention of the windows. It Planner's Report recommends that permission is granted subject to a condition in relation to the retention of the existing timber sash windows.

3.2.2. Other Technical Reports

Conservation Officer: No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

None.

5.0 Policy Context

5.1. Architectural Heritage Protection Guidelines for Planning Authorities, DAHG, 2011

- 5.1.1. These guidelines provide guidance in relation to the protection of architectural heritage including Architectural Conservation Areas.

5.2. Development Plan

- 5.2.1. The Dundalk & Environs Development Plan 2009-2015 (as extended) provides the most recent zoning framework for the area. The site is zoned 'Town Centre Mixed Use' with an objective 'to provide for mixed use development'. The following provisions of the Development Plan are considered to be relevant:

Chapter 8 Conservation and Heritage

- Policy CH10: Protect designated Architectural Conservation Areas within the plan area and require that new development within such areas is sensitively designed so as not to detract from the character of the areas.

Appendix 7 Architectural Conservation Areas

- The site is within the designated area of ACA No. 5 Jocelyn Place / Seatown. This ACA is characterised by rows of 18th century and 19th century two and three storey Georgian and Victoria houses.
- The Plan states that the primary purpose in the designation of this ACA is to protect the integrity of the streetscape and the setting of the buildings of Regional importance.
- It is the stated intention of the council in the designation of this ACA:
 - To protect and enhance the character of the area by giving consideration to the suitability of scale, style, construction materials, colour and decoration to be used in any proposals for new development, including alterations and extensions, taking place within or adjacent to this area.
 - To encourage the preservation and re-instatement of traditional details and materials appropriate to the style and period of the individual buildings in the area.
 - To retain and protect decorative elements and features in the area such as railings, stone steps, wrought iron balconies.

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The appeal relates to condition no. 2a and 2b of the notification to grant permission only.
- The applicant wants to replace the existing timber sash windows with new double-glazed timber sash windows that comply with thermal requirements.
- A like for like replacement is an adequate and sympathetic solution to an unlisted terrace house.
- No other properties on either side of the road appear to meet the standards of window refurbishment required by condition no. 2.
- It is noted that all but one of the houses on the opposite side retain the original windows. There is no conservation order relating to the side that no. 16 is on and all but two of the houses have PVC windows.
- The dwelling should first and foremost be a comfortable dwelling with proper thermal standards and energy efficiency.

6.2. Planning Authority Response

The response of the Planning Authority can be summarised as follows:

- The application was assessed under the relevant policies of the Development Plan and using guidance set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011). Paragraphs 10.4.17 to 10.4.19 of the guidelines state the following:

“Replacement of sashes or entire windows should only be permitted where the existing windows are missing; are verifiably decayed beyond repair; or are themselves inappropriate recent replacements. Replacement windows should be of appropriate material, design and detail and approved by the planning authority prior to any work commencing. The complete replacement of such elements in historic buildings should rarely be permitted where they are

capable of repair. Plastic and aluminium are inappropriate materials for replacement windows in historic buildings (unless these materials can be proved to have been used originally). It is of importance to the character and appearance of a structure that fenestration patterns are protected. Where replacement windows are permitted, the materials, glazing divisions and sectional profile of the new windows should be appropriate to the date of the protected structure or to the date when the opening was made. If the latter, the design should be judged on its contribution to the protected structure.

- This ACA is characterised by rows of 18th century and 19th century two and three storey Georgian and Victoria houses. The original timber sash windows contribute to the character of the area. The design of these windows and the materials used in their construction make a significant contribution to the appearance and special character of a structure. The replacement of sashes or entire windows should only be permitted where the existing windows are missing, are verifiably decayed beyond repair, or are themselves inappropriate recent replacements. It was determined that these windows are not verifiably decayed beyond repair and it was conditioned that they be repaired.
- It is the ACA policy to “encourage the preservation and reinstatement of traditional details and materials appropriate to the style and period of the individual buildings in the area. Retention of the original fabric is preferable to replacement.
- To improve the thermal efficiency, it was determined that the windows could accommodate a slim double-glazed unit, provided it is fixed with putty in keeping with the character.
- It is important to retain the original historic fabric, as there are so few original windows remaining and the original sash windows are so intrinsic to the Victorian character of these buildings.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. Introduction

7.1.1. A first party appeal has been received in relation to Conditions no. 2 (a) and no. 2 (b) of the notification to grant permission. Section 139 of the Planning and Development Act states that where an appeal relates only to a condition or conditions of a decision and the Board is satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted, then, the Board may, in its absolute discretion, give to the relevant planning authority such directions as it considers appropriate relating to the attachment, amendment or removal of the condition or conditions to which the appeal relates or of other conditions.

7.1.2. The determination by the Board of the application as if it had been made to it in the first instance is not necessary in this instance in my view as the conditions relate to a single matter of detail. I therefore recommend that the Board confine its considerations to the conditions under appeal.

7.2. Condition No. 2 (a) and 2 (b).

7.2.1. Condition no. 2 (a) and 2 (b) are as follows:

- 2 (a) *“The existing sash windows and timber front door shall be retained and repaired unless verifiably beyond repair to be agreed in writing with the planning authority”.*
- 2 (b) *“A slim double-glazed unit fixed with putty in the existing timber sash windows is acceptable”.*

7.2.2. The grounds of appeal state that the applicant wants to replace the existing timber sash windows with new double-glazed timber sash windows to achieve thermal standards and argue that a like for like replacement is an adequate and sympathetic solution to an unlisted terrace house. The applicant highlights that all but two

houses on the northern side of the street (including no. 16) and all but one on the southern side have PVC windows.

- 7.2.3. The Planning Authority argues that the original timber sash windows contribute to the character of the area. It is stated that the design of these windows and the materials used in their construction make a significant contribution to the appearance and special character of a structure. It is argued that the replacement of sashes or entire windows should only be permitted where the existing windows are missing, are verifiably decayed beyond repair, or are themselves inappropriate recent replacements. It was determined that these windows are not verifiably decayed beyond repair and it was conditioned that they be repaired. I would note that it was determined that the windows could accommodate a slim double-glazed unit to improve thermal efficiency, provided it is fixed with putty in keeping with the original character. The response also argues that it is important to retain the original historic fabric in this instance, as the original sash windows are intrinsic to the Victorian character of these buildings and there are so few original windows remaining.
- 7.2.4. The Architectural Heritage Protection Guidelines (DAHG 2011) state that ACA legislation may be used to protect among other things “groups of structures of distinctiveness or visual richness or historical importance”; and “the setting and exterior appearance of structures that are of special interest, but the interiors of which do not merit protection”.
- 7.2.5. The subject ACA is characterised by rows of 18th century and 19th century two and three storey Georgian and Victoria houses. The Development Plan (Appendix 7) states that the primary purpose in the designation of this ACA is to protect the integrity of the streetscape and the setting of the buildings of Regional importance. The subject dwelling is a modest two-bay terrace dwelling dating from the Victorian period. The dwelling is located within the designated area of the ACA but is not listed on the Record of Protected Structures (RPS). In this regard, I would note that dwellings on the opposite side of the street are listed on the RPS¹ (Barrack Street No. 3, 5, 7, 9, 11, 13). I would also draw to the Boards attention the fact that the subject dwelling is currently unoccupied and is visibly in need to refurbishment.

¹ The description for each states that “this modest house is enhanced by the striking doorcase, whose simple design is well-executed and in keeping with the unassuming character of the terrace”.

- 7.2.6. I accept that the retention of the original sash windows would be the optimum outcome from an architectural heritage perspective. However, the applicant's proposal to replace the windows needs to be considered in the context of the ACA designation which is primarily concerned with the integrity of a broader streetscape. I am of the view that the replacement of the original windows with new timber sash windows that match the design and proportions of the original windows would not undermine the integrity of the streetscape to any significant degree. Key features such as the brickwork, the openings and brick quoin detailing around the window and door openings will be preserved. The condition to retain the windows must also be viewed in the context of the level of alteration that has already occurred along this street, where the majority of windows on both sides of the street have been replaced with modern PVC windows of varying styles and colours. On balance, I consider that the requirement to retain the existing windows, in this context, is overly onerous and that a sympathetic replacement would represent an acceptable outcome.
- 7.2.7. I would note that condition no. 2 (a) also refers to the retention and refurbishment of the existing front door. The front door has not been discussed in the application details or in the appeal submissions and I am of the view that a similar level of flexibility should apply in respect of the door.
- 7.2.8. I recommend that the Board issue a direction to the Planning Authority to: amend condition no. 2 (a) to allow for either the refurbishment or replacement of the existing timber sash windows and door; omit condition no. 2 (b); and renumber conditions number 2 (c), (d) and (e) accordingly.

8.0 Recommendation

- 8.1.1. I recommend that the Board issue a direction to the Planning Authority to: amend condition no. 2 (a) in accordance with the wording below; omit condition no. 2 (b); and renumber conditions number 2 (c), (d) and (e) accordingly.

Condition No. 2 (a)

The existing timber sash windows and timber front door shall be retained and restored **or** replaced new timber sash windows and a timber door to match the existing. Details of the restoration of the existing windows and door or of any

replacements shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Karen Kenny

Senior Planning Inspector

6th November 2018