



An
Bord
Pleanála

Inspector's Report ABP302471-18

Development	Retention of 5 double glazed 6 over 6 timber framed sliding sash windows.
Location	11 Mountpleasant Avenue Lower, Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2969/18.
Applicant	Julianne Kirwan.
Type of Application	Retention of Planning Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant
Appellants	Joan and Michael Kelly.
Observers	None.
Date of Site Inspection	16 th October, 2018.
Inspector	Paul Caprani.

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1.0 Introduction

ABP302471-18 relates to a third-party appeal against the decision of Dublin City Council to issue notification to grant retention of planning permission for five double glazed '6 over 6 panel' timber framed sliding sash windows at No. 11 Mountpleasant Avenue Lower, Dublin 6. It is argued that Dublin City Council's grant of retention of planning permission in this instance is contrary to good conservation practice and is contrary to the principles of conservation and architectural heritage.

2.0 Site Location and Description

- 2.1. No. 11 Mountpleasant Avenue Lower forms part of a row of two-storey terraced dwellings dating from the mid-19th century. No. 11 is located on the eastern side of Mountpleasant Avenue Lower two doors up from the junction of Mountpleasant Avenue and Bannaville. No. 11 comprises of a 2 storey red bricked terraced dwelling rising to a ridge height of 8.7 metres in height. The contiguous dwelling to the immediate north incorporates the same ridge height while the contiguous dwelling to the immediate south incorporates a slightly higher ridgeline. No. 11 incorporates a single-storey and two-storey return to the rear. The site incorporates a plot width of just over 6 metres and a plot length of approximately 33.5 metres.
- 2.2. The drawings submitted indicate that the two-storey element of the rear return appears to form part of the original structure. The single storey extension to the rear comprises of a later 20th Century addition. Three velux rooflights are located on the rear roof pitch.
- 2.3. The dwellinghouse incorporates three large windows on the front elevation one at ground floor level and two above. Two similar type windows are located on the rear elevation, one at ground floor and one at first floor level. These windows accommodate 6 over 6 panel double glazed up and down sliding sash timber windows. No. 11 Mountpleasant Avenue Lower is recorded on Dublin City Council Development Plan 2016 – 2022 (Ref. 5481).

3.0 Proposed Development

- 3.1. Planning permission is sought for the retention of the double glazed timber sliding sash windows, three on the front elevation and two on the rear elevation at ground and first floor level.

4.0 Planning Authority Decision

4.1. Decision

Dublin City Council issued notification to grant planning permission subject to five standard conditions.

4.2. Documentation Submitted with the Application

- 4.2.1. The planning application was accompanied by a planning application form, drawings and public notices. Also submitted as part of the application was a report on the architectural and historic significance of No. 11 Mountpleasant Avenue Lower, Dublin 6. This report notes that the terrace of houses including No. 11 Mountpleasant Avenue Lower were built during the 1830s. The report goes on to describe the subject site and details of the front and rear facades. It notes that while there is a clear order and unity to the streetscape, the fenestration to the fronts of Nos. 10, 11 and 12 Mountpleasant Avenue Lower are varied. All three properties have replaced the windows since their original construction. It is noted that No. 10 has two over two top hung double-glazed pivoting windows made from PVC frames. No. 12 has three over six first floor level and six over six at ground floor level timber frame sliding sash windows. Originally No. 11 had one over one top hung double glazed PVC windows similar to that of No. 10. These windows were replaced in early 2018 with double glazed sliding sash Georgian windows.
- 4.2.2. In terms of cultural significance, the report states that the significance mainly lies in its architectural significance. While the windows have been replaced, it is noted that the building retains its original brick façade with granite stone coping and elegant Georgian proportions. Much of the interior has also been retained over the years. Its greatest architectural significance relates to setting within terrace of dwellings. It is argued that the replacement of the existing PVC windows with double glazed

'traditional effect' Georgian windows has clearly and significantly enhanced the character of the streetscape which is currently suffering from numerous ad hoc alterations of indifferent quality. It is argued that the removal of the second rate and poor quality PVC windows has rejuvenated the original appearance of the protected structure. It is argued therefore that the proposed works are to be welcomed as they will serve to restore a sustainable domestic dwelling use to a building of local architectural significance.

4.3. Observations

- 4.3.1. An observation was submitted by the current appellants (residents of 49 Mountpleasant Avenue Lower). It argues that the proposal is contrary to the Architectural Heritage Protection Guidelines for Planning Authorities.

4.4. Initial Assessment by Planning Authority

- 4.4.1. A report from the Drainage Department stated that there is no objection subject to standard conditions.

A report from the Conservation Officer makes reference to the Architectural Protection Heritage Guidelines which note that the installation of double glazing to a protected structure is problematic and should generally not be permitted where original or early windows exist. The original and early windows do not exist in the case of the dwelling which is the subject of the current application.

- 4.4.2. The initial planner's report requested additional information in relation to the following.

4.4.3. Additional Information Request

1. The applicant is required to submit photographic evidence of the former windows throughout the house, especially the rear windows, prior to the installation of the replacement six over six timber sash windows, in order to assess the loss of historic fabric that has been incurred due to the installation of the replacement windows.
2. The applicant is required to submit a full justification for the installation of the replacement six over six sash windows in lieu of sash windows with profiles

that would have matched the original windows and that would be considered more appropriate from a conservation point of view so as to assess the loss of historic fabric that has been incurred due to the installation of replacement windows.

4.5. Further Information Submission

The applicant submitted photographic evidence of the former windows throughout the house which are of no architectural or historic significance. The previous plastic top hung windows were inappropriate windows for protected structures.

In relation to the second issue it is stated that replacing the non-original PVC windows with more historically accurate six over six sliding sash windows is a significant improvement on the character of No. 11 Mountpleasant Avenue Lower. The incorporation of sash windows with profiles matching the original windows on the street would be more appropriate from a conservation point of view. It would also be more appropriate from an energy efficiency point of view. It is the applicant's aim to reinstate the original architectural features of the six over six sliding sash windows to the elevations while balancing the need for improved thermal performance for a family dwelling. It is argued that these windows have restored the original materiality and glazing divisions that is appropriate to the date of the historic structure while increasing the thermal performance of the building.

4.6. Further Assessment by Planning Authority

A subsequent Conservation Officer's Report notes the additional information submitted and acknowledges from the photographic evidence that all windows that have been replaced were previously double glazed PVC windows and therefore not original to the date of construction of the house. The conservation officer recognises that the replacement windows, while not detailed in accordance with best conservation practice, can be considered to be a material improvement on the previous windows.

A further planner's report makes reference to the Conservation Officer's Report, and based on the additional information submitted and the conservation officer's

assessment of the additional information, it is recommended that retention of planning permission be granted for the windows in question.

Dublin City Council issued notification to grant planning permission subject to five conditions.

5.0 Planning History

No history files are attached. The local authority planner's report states that there is no relevant planning history.

6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council to issue notification to grant planning permission was the subject of a third-party appeal by Joan and Michael Kelly of No. 49 Mountpleasant Avenue Lower, Dublin 6.
- 6.2. The grounds of appeal make reference to the first planner's report (the Board will note that the grounds of appeal refer to this report as being dated 10th July, 2018. It appears that the actual original planner's report was dated 5th July, 2018). Specifically, reference is made to the points made in the first Conservation Officer's report which is contained in the planner's report. The grounds of appeal note specifically that concern is expressed that the new windows are not in keeping with best conservation practice and they are not appropriate for a protected structure and their inclusion has resulted in negatively impacting on the character of the protected structure as well as the character of adjoining protected structures along the terrace.
- 6.3. Given the sentiments expressed in the planner's report, the grounds of appeal argue that it is difficult to justify Dublin City Council's decision to grant planning permission. The Council is tasked with protecting the greatest number of protected structures in the State and any decision should be made having regard to the State's commitment to protecting architectural heritage. The decision to grant planning permission to retain the windows ignores good conservation practice and disregards the State's commitment to securing the conservation of architectural heritage. Windows are a fundamental element in the reading of a protected structure and replicating the windows as closely as possible to the original would deliver the best outcome. The

windows in question do not represent best conservation practice. They are double glazed rather than single glazed and therefore do not replicate the original details. The format of six over six window panes at first floor level is questionable having regard to neighbouring houses.

7.0 Appeal Responses

7.1. Applicant's Response to the Grounds of Appeal

- 7.1.1. A response was submitted on behalf of the applicant by "Extend" Architectural Services. However this response was received outside the appropriate period and therefore cannot be taken into consideration by the Board (please see Boards letter dated October 17th 2018).

7.2. Planning Authority's Response to the Grounds of Appeal

It appears that the Planning Authority have not submitted a response to the grounds of appeal.

8.0 Development Plan Provision

- 8.1. The subject site is located in an area governed by the zoning objective Z2 that seeks to "*protect and/or improve the amenities of residential conservation areas*". As already stated, the building together with adjoining terrace of buildings, are listed in the Record of Protected Structures in the Dublin City Development Plan.

- 8.2. In relation to protected structures the following policies apply.

Policy CHC1 – to seek the preservation of the building heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

Policy CHC2 - it is the policy of Dublin City Council to ensure that the special interest of protected structures is protected. Development will conserve and enhance protected structures and their curtilage and will:

- (a) Protect or where appropriate restore form, features and fabric which contribute to the special interests.

- (b) Incorporate high standards of craftsmanship and relate sensitivity to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances.
- (c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures, fittings and materials.
- (d) Not cause harm to the curtilage of the structures, therefore the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.
- (e) Protect architectural items of interest from damage and theft while the buildings are empty or during the course of works.
- (f) Have regard to ecological considerations, for example protection of species such as bats.
- (g) Changes of use which have no detrimental impact on the special interest and are compatible with their future long-term conservation will be promoted.

8.3. The plan goes on to state that prior to undertaking works to a protected structure, it is essential to make an assessment of the special interest of the structure and to identify all elements, both internal and external, which contribute to this. An assessment of the special interest of the structure is required as part of the protected structure impact assessment to accompany the planning application.

8.4. Where possible existing detailing of fabric and features of the structure should be preserved, repaired or if missing or obscured, should be reinstated or revealed. In most cases the materials used for alterations, extensions or repairs should match the original and the use of non-traditional materials will not normally be acceptable. Original and historic fabric should be retained and protected wherever possible.

8.5. **Architectural Heritage Protection - Guidelines for Planning Authorities (2004 as amended)**

8.5.1. Section 10 of the said Guidelines specifically relate to openings/doors and windows. It notes that design of windows and materials used in the construction make a significant contribution to the appearance and special character of the structure.

- 8.5.2. In relation to sash windows, it is stated in Section 10.4.4, that vertically sliding timber sash windows are probably the most common type of windows found in older buildings in Ireland. Section 10.4.17 states that 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, designed and detailed 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.
- 8.5.3. Plastic and aluminium are inappropriate materials for replacement windows of historic buildings, unless these materials can be proved to have been used originally.
- 8.5.4. It is important 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.
- 8.5.5. Replacement windows should replicate the opening method of the original windows. Top and bottom hung or pivot windows are not a suitable replacement for sliding sash or side hung casements.
- 8.5.6. Where replacement of existing windows has become necessary, the opportunity may arise to consider the replacement of latter inappropriate or damaging alterations and will allow for the installation of new windows whose design is more appropriate to the structure or the ACA. This is particularly relevant in unified terraces of buildings where inappropriate replacement windows have damaged the character of the entire group of buildings. However, such restoration should always be based upon firm evidence of the original design of the window using old photographs, drawings or other reliable information such as surviving original windows in neighbouring buildings.
- 8.5.7. Section 10.7.3 of the Guidelines states that the installation of double glazing to protected structures is problematic and should generally not be permitted where the original or early windows exist. Installation of double glazed units into existing openings, even where the existing window frames are not of any special interest,

may not be visually acceptable and can be rarely achieved without making unacceptable changes to the profiles of the frames arising from the depth of the double glazed units.

9.0 Planning Assessment

- 9.1. I have read the entire contents of the file, visited the site and its surroundings and have had particular regard to the issues raised in the grounds of appeal and I consider the Board can restrict its deliberations to the issues raised in the grounds of appeal; namely whether or not the retention of the windows in question are appropriate and are in accordance with best practice with regard to architectural heritage protection.
- 9.2. The grounds of appeal make reference to the first planner's report which quotes verbatim the concerns raised in the Conservation Officer's report which prompted the request for additional information. The original Conservation Officer's report dated 3rd July, 2018 express concern that the "Georgian effect" windows are not in keeping with best conservation practice and are not appropriate to protected structures and their inclusion has resulted in negatively impacting on the character of the protected structure. The original conservation officer's report also assumed that the rear windows were in fact the original six over six single glazed sash windows with slim profiled glazing bars. This was considered to be a significant loss of the historic fabric.
- 9.3. However, the applicant in response to additional information, clearly demonstrated by way of photographic evidence that all windows which have been replaced were previously double glazed uPVC windows and were therefore not dating from the original house constructed. The grounds of appeal appear to infer, based on the information contained in the first planner's report, that Dublin City Council were very unhappy with the windows proposed to be retained under the current application but nevertheless granted planning permission for the proposal. This it is argued in the grounds of appeal that the development therefore is totally inappropriate and ignores good conservation practice with regard to reinstatement of elements which are sympathetic to the original structure.

- 9.4. It appears that Dublin City Council's initial concerns were predicated on the view that the replacement timber sash windows, for which retention of planning permission is currently sought, replaced the original up and down sash windows which were contemporaneous with the original structure. The applicant has submitted photographic evidence proving this is not the case. This is a material consideration in determining the application in my opinion. If it were the case that the current PVC windows constituted a direct replacement of the original building fabric and fenestration this would be very much contrary to the spirit of the architectural heritage protection guidelines and best conservation practice. It is clear however that the windows in question are replacing 'one over one' top hung double glazed PVC window frames with a window design which is more sympathetic with original fenestration arrangements and materials.
- 9.5. I would agree with the conclusions contained in the second conservation officer's report that, while the replacement windows are not detailed in accordance with best conservation practice, they do constitute a material improvement to the previous windows. While the proposal before the Board may not be considered the optimal or perfect solution in terms of conservation practice, it does nevertheless represent an improvement over that which previously existed on site and in this regard could be considered a planning gain.
- 9.6. The Board should also be mindful of the fact that the terrace of dwellings in which the subject site is set are not pristine in terms of the original fabric and there are a wide variety of window types including contemporary type windows along the terrace of dwellings (see photos attached to this report).
- 9.7. I consider that while the re-incorporation of single glazed timber windows may be the most appropriate design solution from a conservation point of view, I would agree with the applicant in this instance that they do not constitute the most energy efficient solution. Sustainable energy use is becoming an evermore more important planning consideration in terms of implementing more sustainable building interventions, even in the case of historic structures.
- 9.8. While the proposed development may not constitute the most ideal solution in conservation terms, the intervention in this instance is not in my view, contrary to Architectural Heritage Protection Guidelines. The Guidelines suggest that, where

replacement of existing windows has become necessary, the opportunity may arise to consider the replacement of latter inappropriate or damaging alterations and allow for the installation of new windows whose design is more appropriate to the structure or the ACA. This scenario is clearly applicable in the case of the current appeal before the Board. The guidelines also state that, while the installation of double glazing to protected structures is problematic, it is mainly problematic in the context where original or early windows exist. Again, the applicant in the case of the current appeal, has submitted evidence which indicates that the original and early windows had already been replaced by less sympathetic 'one over one' top-hung double-glazed PVC window frames. The recent works undertaken, for which retention of permission is currently being sought, represent a significant improvement in terms of design and materials used, notwithstanding the fact that double-glazing has been incorporated. In this regard it can be reasonably argued in my view that the proposal is not contrary to Section 10.7.3 of the said Guidelines.

10.0 Recommendation

Arising from my assessment above I consider that the Board should uphold the decision of the Planning Authority in this instance and grant retention of planning permission for the windows in question.

11.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12.0 EIA Screening Determination

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations and therefore is not subject to EIA requirements.

13.0 Reasons and Considerations

It is considered that the retention of 5 no. double glazed timber sliding sash windows would subject to conditions set out below not seriously injure the visual amenities of the area or the setting or integrity of the protected structure at No. 11 Mountpleasant Avenue Lower. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the planning application, as amended by the further plans and particulars submitted on the 12th day of July, 2018.

Reason: In the interest of clarity.

Paul Caprani,
Senior Planning Inspector.

5th November, 2018.