



An
Bord
Pleanála

Inspector's Report ABP 307701-20.

Question

Whether the fitting of external insulation on 64sq m gable of a west facing solid wall which has a red brick facing is or is not development and is or is not exempted development.

Location

7 Shanganagh Terrace, Killiney, Co. Dublin is or is not development and is or is not exempted development.

Declaration

Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	45/20
Applicant for Declaration	William Fleeton
Planning Authority Decision	Is development and is not exempted development

Referral

Referred by	William Fleeton
Owner/ Occupier	William Fleeton
Observers	None

Date of Site Inspection

25th of October 2020

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The property which is the subject of the referral is no. 7 Shanganagh Terrace. Shanganagh Terrace is located off Killiney Hill Road and lies circa 350m to the north-east of Ballybrack village. Shanganagh Terrace is a cul-de-sac containing 17 no. properties which were developed in the late-19th century. There is a mix of various types of Victorian houses, including a terrace of villa-style houses, a few semi-detached properties and others two-storey detached properties.
- 1.2. The subject property is located at the western an end of a terrace. It is two-storey featuring a hipped roof, double bay frontage and a red brick external finish. There is an extension to the side and rear of the property which is setback from the front building line. The western gable of the property has a width of 8.4m. The dwelling is setback from the public road it is served by a gated pedestrian entrance to the front door and vehicular parking to the western side of the property.

2.0 The Question

- 2.1. Whether the fitting of external insulation on 64sq m gable of a west facing solid wall which has a red brick facing at 7 Shanganagh Terrace, Killiney, Co. Dublin is or is not development and is or is not exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

It is considered that the fitting of external insulation of 64sq m gable of a west facing solid wall which has a red brick facing at 7 Shanganagh Terrace Killiney, Co. Dublin, would constitute development and would not constitute exempted development pursuant to the provisions of Section 4 (1)(h) of the Planning & Development Act, 2000, as amended.

3.2. Planning Authority Reports

3.2.1. Planning Report

- It was determined in the report that the fitting of external insulation on 64sq m of gable wall constituted ‘works’ as defined in the Planning and Development Act 2000 (as amended). In determining whether the proposal would constitute exempted development or not the Planning Officer had regard to Section 4 (1)(h) of the Planning & Development Act, 2000, as amended. Section 4(1)(h) states, *‘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.’* The dwelling is located within the Killiney Architectural Conservation Area. It was considered that the west facing gable would be completely altered by the addition of the external insulation. Accordingly, the proposed works were not considered to constitute exempted development.

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Development Plan**

The relevant development plan is the Dún Laoghaire Rathdown County Development Plan 2016 - 2022.

The Development Plan objective ‘A’ which seeks ‘to protect and or/and improve residential amenity’ applies to the site. The structure is not included in the Record of Protected Structures. Neighbouring properties within Shanganagh Terrace are included in the Record of Protected Structures.

The subject property no. 7 Shanganagh Terrace is located within the Killiney Architectural Conservation Area.

5.2. Natural Heritage Designations

The site is not located in or adjacent to a designated site.

6.0 The Referral

6.1. Referrer's Case

- There are 17 no. houses on the northern side of Shanganagh Terrace. Of these properties only 6 gable ends are fully visible. The subject property no. 7 has the only gable end that features red brick facing. The other properties with gables have rendered or painted rendered finishes.
- Government policy seeks to encourage the upgrading of older properties in order to reduce carbon emissions. The policy is supported by the provision of Government grants.
- The subject property no. 7 was built in 1895 it's construction features a solid wall with an outer red brick. It is backed with breeze concrete and internal plaster and has a total thickness of 18 inches. The wall is permeable and it provides very little heat retention.
- Details of the external insulation proposed are provided on file. Soltherm insulation is proposed which comprises mineral wool insulation. The external finish proposed is a silicate silicone 1.5mm render to match the existing brick pointing.

6.2. Planning Authority Response

- The Board is referred to the previous Planner's Report.
- It is considered that the grounds of appeal do not raise any new matters which, in the opinion of the Planning Authority, would justify a change of attitude to the subject application.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000, as amended

7.1.1. Under Section 2, the following is the interpretation of 'works':

"...includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

7.1.2. Section 2 (1) defines a 'structure' as:

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

7.1.3. (a) where the context so admits, includes the land on, in or under which the structure is situate,

7.1.4. Section 2 (1) states: -

"alteration' includes (a) plastering or painting or the removal of plaster or stucco the replacement of a door, window or roof, that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures".

"works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

7.1.5. Section 2(1) defines 'architectural conservation area'

"architectural conservation area" shall be construed in accordance with section 81(1);

7.1.6. Section 3 (1) states as follows:

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

7.1.7. Section 4 (1) (a) – (l) sets out what is exempted development for the purposes of this Act. Section 4 (2) provides for the making of Regulations. The main Regulations are the Planning and Development Regulations, 2001-2020.

7.1.8. Section 4(1) (h) states:

(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;

82.—(1) [Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2),] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

7.2. Planning and Development Regulations, 2001 - 2020

7.2.1. Article (6)(1) states that subject to Article 9 development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 2.

7.2.2. Article 9 provides restriction on exemptions where it states:

9(1) Development to which Article 6 relates shall not be exempted development for the purposes of the Act

(a) if the carrying out of such development would

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

7.2.3. Schedule 2 – Part 1 Exempted Development – General – Classes 1 – 8 describes classes of development situated within the curtilage of a house which are exempted development, provided that such development complies with the conditions and limitations expressed at Column 2 for each class.

8.0 Assessment

8.1. Is or is not development

- 8.1.1. Firstly, it is necessary to establish if the subject works constitutes development. 'Works' as defined under Section 2 of the Act includes any act of construction, extension, repair or renewal. The 'works' subject of this Section 5 referral comprise the fitting of external insulation on the gable of a west facing solid wall.
- 8.1.2. Section 3 (1) of the Planning and Development Act, 2000, as amended defines 'development' as follows:
- 8.1.3. "In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."
- 8.1.4. Accordingly, the proposed works as set out above therefore constitutes 'development' as defined under Section 3 (1) of the Act.

8.2. Is or is not exempted development

- 8.2.1. Section 4(1) of the Planning and Development Act, 2000, as amended refers to exempted development and Section 4 (1) (a) – (l) sets out what is exempted development for the purposes of the Act. In the case of the subject referral Section 4(1)(h) is of relevance.
- 8.2.2. Section 4 (1)(h) which states;
- 8.2.3. (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;
- 8.2.4. The subject site contains a two-storey Victorian dwelling located at the western end of a terrace of 7 no. properties. While it is not a Protected Structure it is located within the designated Killiney Architectural Conservation Area. There are a mix of residential properties within Shanganagh Terrace with ten of the properties being designated Protected Structures. The properties to the east of the subject site

comprise villa-style houses, there is a detached dwelling immediately to the west of the property with a terrace of two-storey and two-storey over basement properties west of this. These Victorian properties feature predominantly painted rendered external finishes. There is one other property to the west of the subject property which has a red brick external finish. This is situated in the middle of the terrace. The diversity in the house types and the quality of the design and external finishes of the dwellings within Shanganagh Terrace contribute to the character of the Killiney ACA. This includes the subject property no. 7.

- 8.2.5. The dwelling which features a red brick external finish is setback circa 9m from the boundary with the public road. The front of the dwelling directly address the public road, it faces south. The western gable elevation of the property has a width of 8.4m and a height of circa 8m. It features a projecting chimney breast, located in the centre of the gable and there are two windows located at ground and first floor to the northern side of the chimney breast. The gable elevation also features corncicing to the eaves which has a decorative and practical function. This detailing contributes to the overall character of the property. This elevation is directly visible from the public road to the west of the property. Accordingly, any discernible alteration to the western elevation of the property would be visible within the streetscape and consequently within the ACA.
- 8.2.6. In terms of the subject Section 5 referral it is necessary to determine whether or not the fitting of external insulation on the gable of the west facing wall of the property would materially alter the structure so that it would appear inconsistent with the original structure in the context of Section 4 (1) (h) of the 2000 Act and whether it would materially affect the character of the Killiney Architectural Conservation Area in the context of Section 82(1) of the 2000 Act.
- 8.2.7. The external insulation would be fitted to the full extent of the western gable elevation of the property covering an area of circa 64sq m. As detailed on file the main area of the gable would feature insultation with a depth of 120mm with the chimney breast section featuring insultation with a depth of 100mm. This would therefore fully cover the original gable façade of the property. A 1.5mm Soltherm Silicate Silicone finish would cover the insultation. The colour detailed is a red finish to match the existing brick finish. This would appear as a red synthetic skin over the insulation. The red brick finish of the property is an original feature which contributes

to the overall character of this Victorian dwelling and also contributes to the character of the wider streetscape which is a designated ACA. The external insulation to the western gable while to be coloured with a red finish to match the existing brick colour and pointing would render the appearance of the western gable materially different from the original red brick finish of the property. The external insulation would appear discernibly different from the original brick finish of the property both in terms of the depth of the insulation and also the discernible difference in terms of the colour and texture of the subject external finish.

Furthermore, the subject external insulation would materially alter the appearance of the specific design features to the existing western gable of the property including the chimney breast and cornicing at the eaves.

- 8.2.8. Accordingly, I would conclude that the subject external insulation to the western gable of the property would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the house and neighbouring properties. Furthermore, I would conclude that the subject external insulation to the western gable of the property would materially affect the external appearance of the structure so as to materially affect the character of the Killiney Architectural Conservation Area.

9.0 Recommendation

- 9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether external insulation to the gable of a west facing solid wall at no. 7 Shanganagh Terrace, Killiney, Co. Dublin is or is not development and is or is not exempted development:

AND WHEREAS William Fleeton requested a declaration on this question from Dún Laoghaire-Rathdown County Council and the Council issued a declaration on the 6th day of June, 2020 stating that the matter was development and was not exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 20th day of July, 2020:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Section 82(1) of the Planning and Development Act, 2000, as amended,
- (e) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001-2020,
- (f) the character and pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the fitting of external insulation on 64sq m gable of a west facing solid wall which has a red brick facing, is development, in accordance with the provisions of Section 2 and 3 of the Planning and Development Act, 2000, as amended;
- (b) the fitting of external insulation on 64sq m gable of a west facing solid wall which has a red brick facing would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the house and neighbouring properties as defined under section 4 (1) (h) of the Planning and Development Act 2000 as amended;

(c) the fitting of external insulation on 64sq m gable of a west facing solid wall which has a red brick facing would materially affect the character of the Killiney Architectural Conservation Area.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3) of the 2000 Act, hereby decides that the external insulation is development and is not exempted development.

Siobhan Carroll
Planning Inspector

5th of November 2020