



An
Bord
Pleanála

Inspector's Report ABP-309222-21

Development

Permission sought for the painting of existing rendered areas of front and side facades of house and for the widening of an existing vehicular entrance including the introduction of new piers and gates. Also new hedge planting along the boundary to Kerry Mount Avenue. Heather Lodge is located within the Foxrock Architectural Conservation Area (ACA).

Location

Heather Lodge, Kerry Mount Avenue, Foxrock, Dublin 18.

Planning Authority

Dun Laoghaire-Rathdown County Council.

Planning Authority Reg. Ref.

D20A/0672

Applicant(s)

Shane Naughton

Type of Application

Permission

Planning Authority Decision

Grant Permission with Conditions.

Type of Appeal

First Party – Appealing Condition no. 2
only.

Date of Site Inspection

21st April 2021

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. 'Heather Lodge' comprises of a two-storey, detached house on a stated site area of 0.2026 hectares, located on the north eastern side of Kerrymount Avenue, a residential street in Foxrock, Co. Dublin. Kerrymount Avenue is located to the south east of Foxrock Village, off Brighton Road. The area is characterised by a wide range of house types, though generally large, detached units on generous sites.
- 1.2. There were signs of renovation works underway on the day of the site visit. The house is located towards the centre of the site and the boundaries consists of a mix of walls/ hedgerows with a temporary boundary fence along the front of the site. The house is two storeys, though it appears that the attic space provides for additional rooms. The ground floor at the front and sides is finished in red brick, the upper levels and the rear elevation is of a dash finish. A single storey extension is provided to the rear and a sunroom to the north/ western side. Store/ garage is provided to the north eastern side of the house.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - The widening of an existing vehicular entrance and the provision of new piers and gates.
 - A new hedgerow planted along the boundary with Kerrymount Avenue.
 - The painting of the existing rendered areas to the front and side elevations of the house.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission, following the receipt of further information, subject to three no. conditions. Conditions are generally standard, though condition 2 is noted as it is the subject of this appeal.

'The grit-dashed/ roughcast finish to the first-floor external walls of the house shall be retained in their unpainted state.

Reason: In the interest of protecting the special character of the house and the Foxrock Architectural Conservation Area’.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

The Planning report reflects the decision to grant permission for the proposed development. Further information was sought in relation to the status of removed cast iron post and gates, proposals for the incorporation of these into the revised entrance or else details of alternative proposals and to revise the width of the entrance to a maximum of 3.5 metres. The response included no change to the driveway entrance width and the iron gates would be kept in situ. This submitted response was considered to be acceptable to the Planning Authority.

The issue of painting of the upper levels of this house was raised in the report. The unpainted nature of the house provides part of the character of this house and it was considered that this aspect of the development could be addressed by way of condition.

3.2.2. **Other Technical Reports**

Municipal Services Department – Drainage Planning: No objection to this development subject to conditions in relation to surface water drainage.

Conservation Report: Further information requested in relation to the status of the gates and the reuse of these in the revision in the vehicular entrance. The Conservation Officer did not support the painting of the exterior of this building and referred to Section 8.4.20 of the Architectural Heritage Protection Guidelines.

3.2.3. **Prescribed Bodies**

None.

3.2.4. **Objections/ Observations**

None received.

4.0 **Planning History**

None on the subject site.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A, 'To protect and/ or improve residential amenity'. Residential development is listed within the 'Permitted in Principle' category of this zoning objective.
- 5.1.2. The site is located within the Foxrock Architectural Conservation Area (ACA).
- 5.1.3. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development'.
- Section 8.2.4.9 refers to 'Vehicular Entrance and Hardstanding Areas'.
 - Section 8.3.11.3 refers to 'Architectural Conservation Areas'.

5.2. National Inventory of Architectural Heritage

'Heather Lodge' is listed in the National Inventory of Architectural Heritage (NIAH), Reg no. 60260199 refers. The following is taken from the NIAH description:

'Detached three-bay two-storey house with dormer attic, extant 1909, on an L-shaped plan with single-bay two-storey gabled advanced end bay; three-bay two-storey rear (north) elevation. One of a pair. Pitched terracotta tile roof on an L-shaped plan, terracotta ridge tiles with terracotta finials to apexes, rendered chimney stacks having corbelled stepped capping supporting terracotta tapered pots, timber bargeboards to gables on timber purlins, and cast-iron rainwater goods on exposed timber rafters retaining cast-iron downpipes. Red brick Flemish bond walls (ground floor) on rendered chamfered plinth with red brick header bond "Cyma Recta"- or "Cyma Reversa"-detailed corbelled stepped stringcourse; part creeper- or ivy-covered grid-dashed roughcast surface finish (first floor) with rendered "timber frame" surface finish (gables); rendered surface finish to rear (north) elevation. Square-headed central window openings with concrete sills, and red brick voussoirs (ground floor) or concealed dressings (first floor) framing margined one-over-one timber sash window. Paired square-headed flanking window openings (west) with concrete sills,

and red brick voussoirs (ground floor) or concealed dressings (first floor) framing margined one-over-one timber sash windows. Square-headed flanking window openings in tripartite arrangement (east) with concrete sills, and timber surround (ground floor) or concealed dressings (first floor) framing margined one-over-one timber sash windows having margined one-over-one sidelights. Square-headed window openings to rear (north) elevation with concrete sills, and concealed dressings framing one-over-one timber sash windows. Set in landscaped grounds with cast-iron colonette piers to perimeter having capping supporting wrought iron-detailed flat iron double gates’.

The house to the north west, ‘Killsallagh’ is the other unit of the mentioned pair in the NIAH.

5.3. **Guidelines**

- Architectural Heritage Protection - Guidelines for Planning Authorities (2011, DoAHG)

Section 8.4.20 is relevant to this development:

‘Proposals to paint façades not previously painted should be carefully scrutinised. Permission should not normally be given for previously unpainted walls of protected structures to be painted over (except for the addition of shelter-coating). The use of cement-based or other waterproof and hard gloss paints should not be permitted on surfaces covered with traditional render, as they will cause damage to the historic fabric. Similarly, the partial painting of brick or stone façades around shopfronts or to display advertising material should be avoided’.

5.4. **Natural Heritage Designations**

None.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant, Shane Naughton, has engaged the services of Longform Architects to appeal Condition no. 2 as issued by Dun Laoghaire-Rathdown County Council.

The issues raised in the appeal include:

- Background of the appeal is set out. The applicant revised the design of the entrance at further information stage to retain the driveway width and to retain the existing iron gates.
- The appeal only refers to Condition no. 2, the grit-dashed/ roughcast finish of the external walls at first floor level to be retained in their unpainted state.
- It is proposed that the upper-level exterior to be painted in a neutral white colour.
- There are approximately 17 out of the 26 houses on Kerrymount Avenue that are arts-and-crafts and crafts-style Edwardian-era houses. 13 out of these 17 houses on Kerrymount Avenue have been painted white, similar to the subject house. A list of these is provided in the appeal statement. One of the houses, named as Cooldrinagh, is listed on the Record of Protected Structures and has had its grit-dash elements painted.
- Similar houses to the subject unit, and listed in the NIAH, have been painted.
- Heather Lodge is not listed on the Record of Protected Structures and although the Planning Authority have suggested that it may be added, this has not taken place to date.
- The appeal refers to the Section 4(1)(h) of the Planning and Development Act 2000 as amended and Section 82(1) of the Act, which states:

'Notwithstanding section 4(1)(h), 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'.

- It is therefore considered that the development will not negatively impact on the Foxrock Architectural Conservation Area (ACA)/ the character of the area and it is requested that the decision be removed.

6.2. **Planning Authority Response**

The Planning Authority report that the unpainted grit dashed roughcast finish contributes to the character of the area. It is proposed that Heather Lodge is listed to the Record of Protected Structures – RPS no. 2053 refers, as per Appendix 4 of the draft Dun Laoghaire-Rathdown County Development Plan 2022 – 2026 (sic), which is currently on display. The response concludes ‘Heather Lodge should, therefore, be treated as a protected structure in the assessment of this appeal’.

7.0 **Assessment**

- 7.1. The appeal refers only to Condition no. 2 – ‘The grit-dashed/ roughcast finish to the first-floor external walls of the house shall be retained in their unpainted state’.
- 7.2. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to condition no. 2 only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted, and that the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.3. From the site visit, it appears that the subject house has been painted at first floor level, contrary to the condition issued by the Planning Authority and the subject of this appeal. Planning enforcement is not a function of the Board, it is a function for the Planning Authority.
- 7.4. The reports of the Planning Authority and in particular the Executive Conservation Officer clearly indicate a strong opposition to the modification/ painting of the upper level of this house. The Planning Authority submission in response to the appeal refers to the proposal to add ‘Heather Lodge’ to the Record of Protected Structures, I am not certain if the landowner has been informed of this proposal, but Heather Lodge is listed in Appendix 4 – Heritage Lists of the Draft Dun Laoghaire-Rathdown County Development Plan 2022 - 2028. A structure which is proposed to be added

to the Record of Protected Structures, has the status of a protected structure, once the applicant/ landowner has been informed of the proposal by the Planning Authority.

7.5. The painting of the upper level of this house will not impact on the residential amenity of the area and in general does not impact on the visual amenity of the area. The only impact for consideration is how does painting part of this house impact on its character. The applicant through their appeal, does not provide any justification for the painting of the upper level of this house in terms of increase weather proofing etc. The appeal defends the proposed painting on the basis that other houses on Kerrymount Avenue have been painted and the NIAH raises no concern about this.

7.5.1. I refer back to the 'Architectural Heritage Protection - Guidelines for Planning Authorities' and under Section 8.4.20 it is stated that 'Permission should not normally be given for previously unpainted walls of protected structures to be painted over (except for the addition of shelter-coating)'. The status of the house in terms of protected structure status is not clear, but it is intended to be added to the list and is located within the Foxrock Architectural Conservation Area (ACA). The upper floor wall finish is described as a 'grit-dashed/ roughcast finish' and the painting of this will impact on the character of the house. I therefore consider it appropriate that this house, located within an ACA and proposed to be added to the RPS, should not be painted at first floor level having full regard to the 'Architectural Heritage Protection - Guidelines for Planning Authorities'. Condition no. 2 shall be retained as is.

7.6. **Appropriate Assessment Screening**

7.6.1. Having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 **Recommendation**

8.1. I recommend that there be no change to Condition no. 2 as issued by the Planning Authority.

9.0 Reasons and Considerations

9.1.1. Having regard to the location of 'Heather Lodge' within an Architectural Conservation Area, its listing in the National Inventory of Architectural Heritage, and its proposal for listing in the Dun Laoghaire-Rathdown Record of Protected Structures, it is considered appropriate that it be conditioned that the first-floor external walls be maintained in their unpainted state as this is a key characteristic of this house and the adjoining KILLSALLAGH'. Condition no. 2 to be worded as follows.

'The grit-dashed/ roughcast finish to the first-floor external walls of the house shall be retained in their unpainted state.

Reason: In the interest of protecting the special character of the house and the Foxrock Architectural Conservation Area'.

Paul O'Brien
Planning Inspector

28th April 2021