



An  
Bord  
Pleanála

## Inspector's Report ABP 311840-21

---

<b>Development</b>	Retention of external insulation at 1 <sup>st</sup> floor level and permission to remove pebble dash at ground floor and replace with polyurethane panels to match façade of adjoining house and ancillary works.
<b>Location</b>	16 Beech Park Avenue, Foxrock, Dublin 18
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21B/0460
<b>Applicant</b>	Michael O'Malley
<b>Type of Application</b>	Retention Permission & Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellant(s)</b>	Thomas Clarke
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18/01/22
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Introduction

The application for the proposed development follows a referral to the Board as to whether the installation of external insulation to the front of the subject property is or is not development or is or is not exempted development. The Board concluded that the works is development and is not exempted development.

## 2.0 Site Location and Description

The site in question is located within an established residential area characterised by conventional suburban housing development where it occupies a position along the northern side of a small cul-de-sac of housing known as Beech Park Avenue. Within the cul-de-sac itself, there are two distinct housing types with the predominant pattern of development comprising two-storey, semi-detached dwellings dating from the 1960s whereas the turning circle is bounded by a series of 7 no. two-storey detached properties of later construction. The majority of the semi-detached dwellings have a consistency in the external finishes to the front elevations i.e. the combination of decorative stone cladding / bricking and red brickwork at ground floor level which is separated from a rough dash / pebbledash render at first floor by concrete banding. The detached housing at the end of the cul-de-sac is readily distinguishable from the remainder of Beech Park Avenue by reference to its overall form and the use of a smooth plaster render (painted in some instances) to the front of the dwellings with feature irregular stone cladding at ground level.

The front and side elevations of No.16 subject of this appeal have been clad in external insulation and are finished in their entirety in a light coloured dash render.

## 3.0 Proposed Development

Retention permission is sought to retain the external insulation at 1<sup>st</sup> floor level with permission sought to remove the pebble dash render at ground floor level at the front and replace it with polyurethane brick and blockwork panels. The panel replicates the detail and texture of the original finish at ground floor level.

The works are so as to improve the thermal and energy efficiency of the property.

## 4.0 **Planning Authority Decision**

### 4.1. **Decision**

Grant retention permission and permission for the above described development subject to 1 condition.

### 4.2. **Planning Authority Reports**

#### 4.2.1. Planning Reports

The Planner's report in the Record of Executive Business Chief Executive's Orders notes:

- the development for retention at 1<sup>st</sup> floor level would not seriously injure the amenities of the area.
- the proposed works at ground floor level would integrate with the house itself and adjoining dwellings and would not seriously injure the amenities of the area or the streetscape.

A grant of permission subject to conditions recommended.

#### 4.2.2. Other Technical Reports

None.

### 4.3. **Prescribed Bodies**

None.

### 4.4. **Third Party Observations**

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised are comparable to those set out in the 3<sup>rd</sup> party appeal summarised in section 6 below.

## **5.0 Planning History**

ABP 309407-21 – the Board determined that the installation of external installation to No. 6 is development and is not exempted development.

The Board concluded that the external insulation amounts to the entire concealment of exterior details and finishes which are defining characteristics of the semi-detached housing along Beech Park Avenue and, therefore, materially affect the external appearance of the structure as to render the appearance inconsistent with the character of the structure and that of neighbouring structures. It, therefore, does not come within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended.

## **6.0 Policy Context**

### **6.1. Development Plan**

Dun Laoghaire Rathdown County Development Plan 2016

The site is within an area zoned A the objective for which is to protect and/or improve residential amenity.

### **6.2. Natural Heritage Designations**

None in the vicinity.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The submission by Farry Town Planning Ltd. on behalf of the 3<sup>rd</sup> Party appellant can be summarised as follows:

- Beech Park Avenue prior to the works undertaken exhibited a high degree of similarity with a closely co-ordinated architectural design detailing.
- The dwellings at the end of the cul-de-sac are of no relevance to the present application given their different design detailing.

- The changes have materially affected the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and that of the adjoining dwelling.
- The retention of the upper floor cladding has the effect of obliterating the original features and finishes which are characteristic of the immediate area. It would seriously disrupt the symmetrical relationship which exists with the appellant's property. It projects from the surface of the pair of dwellings. Its colour is also different.
- Permission has not been sought for the retention of the cladding at 1<sup>st</sup> floor level to the side of the house.
- Thermal improvements can be carried out internally without having to interfere with the exterior.
- The quality and appearance of the works involving the replacement of the pebble dash at ground level with the polyurethane brick and blockwork panels can vary greatly.
- The best solution is to remove the cladding and expose the original materials.
- The ancillary works referenced in the public notices cannot be identified. It would be unsafe to grant permission without confirmation as to the remainder of the proposal.

## 7.2. Applicant Response

The submission by Kieran O'Malley & Co. Ltd. on behalf of the applicant can be summarised as follows:

- The validity of the appeal should be reassessed.
- The dwelling nor the appellant's dwelling are protected structures. The site is not within an Architectural Conservation Area. There is nothing special or unique in architectural terms at Beech Park Avenue.
- There are a variety of design changes in the estate through additional materials, finishes, extensions etc. (examples listed). The variety is entirely normal and is evident in other housing estates throughout Dublin.

- The existing and proposed works comply with development plan policy (CCH6) on energy efficient design and is in accordance with the Climate Action Plan 2021.
- In carrying out the energy improvement works No.16 will appear slightly different but not to an extent that would be out of character with Beech Park Avenue or be seriously injurious to the visual amenity of the area.
- The proposal is materially different to the works subject of the section 5 referral, so it does not follow that the Inspector's assessment or the Board's decision on that case have any direct influence on the proposal.
- The works proposed directly address the appellant's claims of loss of character.
- The extent of the works for retention clearly show the works to the side of the house.
- The applicant is agreeable to a condition requiring the detail of the proposed polyurethane brick and blockwork panels to be agreed.
- Ancillary works is a term used to encompass any minor works that may be required. It is not an attempt to 'slip' other works in.

### 7.3. **Planning Authority Response**

It is considered the grounds of appeal do not raise any new issues to justify a change of attitude to the proposed development.

### 7.4. **Observations**

None

### 8.0 **Assessment**

I note the extensive reference made by the agent for the appellant to both the Inspector's report and the Board's decision on the section 5 referral under ref. ABP 309407-21. At the outset I note that the purpose of the referral was not to determine the acceptability or otherwise of the external cladding but rather to determine

whether or not the matter in question constitutes development and, if so, whether it falls within the scope of exempted development. The Board concluded that as the external insulation materially affects the external appearance of the structure as to render the appearance inconsistent with the character of the structure and that of neighbouring structures it does not have the benefit of the exempted development provisions under Section 4 (1)(h) of the Planning and Development Act, 2000, as amended.

Beech Park Avenue whilst having an innate quality is reflective of numerous housing estate developments constructed throughout Dublin in the 1960s. There are details which give a unifying appearance including the decorative stone cladding and red brickwork at ground floor level which is separated from a rough dash/pebbledash render at first floor by concrete banding. Many of the dwellings have been altered and/or extended to date. None within the estate including the appeal site are protected structures and the estate is not an Architectural Conservation Area.

In seeking to improve the energy efficiency of the dwelling external insulation has been installed on the front and side elevations resulting in the above referenced external features no longer in view. The rendered appearance, whilst different to the dwelling to which it is attached and those of others in the vicinity is comparable to the detached dwellings immediately to the west that were constructed at a later date at the end of the cul-de-sac.

Following the section 5 decision it is proposed to retain the external cladding finish at 1<sup>st</sup> floor level and to alter the ground floor by removing the decorative pebble dash render, making good the surface and replacing it with polyurethane panels, thereby maintaining the thermal and energy efficiencies of the insulation whilst allowing for replication of the detail and texture of the original finishes at ground floor level, namely the split blockwork and brickwork.

I consider that the works to be retained and proposed are acceptable. Whilst the dwelling will appear somewhat different from that to which it is attached and will project marginally from the original plane of the pair of dwellings, I would concur with the agent for the applicant that it would not be to an extent as to render the dwelling so inconsistent with the character of the area or to impact so adversely on the visual amenities as to warrant a refusal of permission. This is also balanced against the

purpose of the works so as to improve energy efficiency which accords with national and local policy.

A condition requiring the detail of the finishes to the ground floor level to be agreed with the planning authority can be attached should the Board be disposed to a favourable decision

#### *Appropriate Assessment – Screening*

Having regard to the location of the site and the nature and scale of the proposed development it is concluded no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **9.0 Recommendation**

Having regard to the foregoing I recommend that permission and retention permission for the above described development be granted for the following reasons and considerations subject to conditions.

### **10.0 Reasons and Considerations**

Having regard to the residential zoning objective for the area, the pattern of development in the vicinity and the scale, nature and design of the works to be retained and completed, it is considered that, subject to compliance with the conditions set out below the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **11.0 Conditions**

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.



2. Within three months of the date of this order the developer shall submit to the planning authority for written agreement details of the proposed brick and blockwork panels to be installed at ground floor level and the timescale within which the works shall be carried out.

**Reason:** In the interest of residential and visual amenities.

---

**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**February, 2022**