



An  
Bord  
Pleanála

## Inspector's Report 311842-21

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<b>Development</b>	Repair, restoration and painting of all façades, other associated site services and remedial works.
<b>Location</b>	1 Corrig Avenue, Dún Laoghaire, Co. Dublin
<b>Planning Authority</b>	Dún Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21A/0399
<b>Applicant(s)</b>	Conor McCabe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First Party v. Condition
<b>Appellant(s)</b>	Conor McCabe
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> May 2022
<b>Inspector</b>	Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.1045 ha and is located at No. 1 Corrig Avenue, Dún Laoghaire, Co. Dublin. No. 1 Corrig Avenue is a Protected Structure. The site is located on the western side of Corrig Avenue, proximate to the junction with Anglesea Lane, and approx. 50 m south-west of the junction with the main commercial street, George's Street Upper.
- 1.2. The existing development on site is a detached 2-storey over garden level Victorian style villa which was previously in commercial use but has recently been converted to a single-family dwelling. The building façades are characterised by unpainted render, with painted plaster detailing to the window surrounds, front porch and parapet. There is off-street car parking in the front garden area, with a small garden space to the rear.
- 1.3. An infill scheme of 6 no. terraced dwellings known as "Corrig Court" has been developed in the original rear garden of the Protected Structure. The vehicular and pedestrian entrance into this infill scheme extends along the side (north) and rear (west) boundaries of the subject site.

## 2.0 Proposed Development

2.1.1. Planning permission is sought for:

- the repair, restoration and painting of all façades including restoration of Roman cement decorative features to all front windows surrounds, bands, entrance door, porch and parapet.
- Façade repair, fill and painting of non-historic cement render flat wall sections. Removal of paint from granite entrance steps, pillars, and stringers to the front and granite cills to the rear.
- Removal of modern intervention timber side panels to front door and restoration of Roman cement detail to rear.
- Painting of windows, doors and all joinery.
- Restoration and cleaning of historic ironmongery.

- General upgrade of roof including removal of cement fibre tiles and non-breathable membrane, re-roofing with natural slate, new membrane, insulation and attic lining.
- Replacement of existing damaged rooflight.
- Installation of solar panels to rear roof.
- Removal of bitumen weathering membrane throughout.
- Repair, flash and re-line all parapets, gutters and eaves with traditional works approach of lead/copper as appropriate.
- General localised repair to roof areas where required.
- New painted cast iron/aluminium traditional profile gutters, rainwater goods and drainage goods throughout.
- Repair chimney stacks, pots and parapet where cracked, unstable and damaged.
- Install cowls where not in place.
- Repair, restoration and upgrade of front railings and gates including widening of vehicular entrance gates (previously adapted) and subsequent lift and replacement of pedestrian gate.
- Repair, restoration and upgrade of side railings and gate including re-location of the railings (previously relocated) to separate from the main house structure and to establish a clear and distinct boundary and side passage for 1 Corrig Avenue, separating it from Corrig Court.
- Construction of new painted render boundary wall to rear north side as part of boundary.
- Demolition of small outhouse (non-historic) to rear.
- New door to rear to replace (non-historic) door.
- All other associated site services and remedial works.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of the Decision to Grant Planning Permission for the proposed development subject to 10 no. conditions issued on 7<sup>th</sup> October 2021.
- 3.1.2. Condition no. 2 states that the permission does not include the following proposed and indicated works or developments:
- (a) the painting of any façades including, painting of non-historic cement render flat wall sections (save for painting of existing painted decorative features).
  - (b) relocation of repaired [proposed new boundary] railings stated as '(previously relocated)', to separate from main house structure and to establish a clear and distinct boundary and side passage for 1 Corrig Avenue, separating it from Corrig Court (and related [boundary] relocation change to north side and rear).
  - (c) Construction of new painted render boundary wall or similar, to rear north side, as part of boundary.
  - (d) Any metal railing gate / hardwood doorway or similar to pedestrian archway.
  - (e) Any gateway to front pathway onto Corrig Avenue, stated as 'side gate and plinths reinstated in this position'.
  - (f) Any new plaster and painting, indicated as 500 mm wide, along the roadway.
- 3.1.3. Condition no. 3 requires that the existing pedestrian and vehicular access arrangement to Corrig Court shall not be altered pursuant to this grant of planning permission.
- 3.1.4. Condition no. 9 requires that the dwelling shall be used as a single unit and shall not be sub-divided in any manner or used as two or more separate habitable units.
- 3.1.5. All other conditions are generally standard in nature.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports (29<sup>th</sup> June 2021 and 7<sup>th</sup> October 2021)

3.2.2. Following an initial assessment of the planning application, Dún Laoghaire-Rathdown County Council's Planning Officer recommended that Further Information be requested in relation to 3 no. items as summarised below.

3.2.3. **Item No. 1:** Concerns regarding potential impacts on the access to the Corrig Court development to the rear and to the Protected Structure at 1 Corrig Avenue.

(a) Applicant to submit revised details which address concerns that the proposed development appears to block off one of the 2 shared footpaths which provide access to Corrig Court and the reduction in the access roadway width.

(b) Applicant to submit revised existing and proposed site plans which show the right of way / easement coloured in yellow.

(c) Submit alternative gate / door proposals for the pedestrian archway.

3.2.4. **Item No. 2:** Concerns regarding the proposed automation of the front vehicular gates. The applicant to submit:

(a) Written details of the rationale / technical reason for the proposed automation of the gates.

(b) Details and revised drawings of the proposed sub-terranean opening mechanism and any implications for the historic ironwork.

3.2.5. **Item No. 3:** Concerns regarding the proposed painting of the façades and solar panel roof installations.

(a) Details to be provided of where permission has been granted for the painting of the exterior of a similar style Protected Structure.

(b) The applicant to consider the relocation of the solar panels from the rear pitch of the main roof.

3.2.6. Following the applicant's Further Information submission, the Planning Officer recommended that planning permission be granted for the proposed development subject to conditions.

### 3.2.7. **Other Technical Reports**

3.2.8. **Drainage Planning (11<sup>th</sup> June 2021):** No objection to the proposed development subject to condition.

3.2.9. **Transportation Planning (16<sup>th</sup> June 2021 and 5<sup>th</sup> October 2021):** No objection to the proposed development subject to conditions.

3.2.10. **Conservation Officer (4<sup>th</sup> June 2021 and 29<sup>th</sup> September 2021):** The Conservation Officer initially recommended that Further Information be requested in relation to: (1) details where planning permission has been granted to paint the exterior of a similar style Protected Structure, (2) whether the proposed solar panels could be mounted on the 2-storey, flat-roof extension to the rear of the original structure as an alternative to the rear pitch of the main roof, (3) the proposed opening mechanism for the automation of the historic iron gates.

3.2.11. Following the applicant's Further Information submission, no objections arose to the proposed development. In assessing the applicant's submission, the Conservation Officer noted that the current render has been in place for over 100 years and therefore is considered part of the buildings character and appearance. For this reason, the Conservation Officer was not supportive of the proposed painting of the building exterior (condition no. 2 a refers).

### 3.3. **Prescribed Bodies**

3.3.1. **Dept. of Tourism, Culture, Arts, Gaeltacht, Sport and Media:** None received.

3.3.2. **An Chomhairle Ealaíon:** None received.

3.3.3. **An Taisce:** None received.

3.3.4. **Fáilte Ireland:** None received.

3.3.5. **The Heritage Council:** None received.

### 3.4. **Third Party Observations**

3.4.1. None.

## 4.0 Planning History

- 4.1. **Planning Authority Reg. Ref. D18A/0002:** Planning permission granted on 17<sup>th</sup> May 2018 for a change of use from commercial to residential dwelling at No. 1 Corrig Avenue, Dún Laoghaire, Co. Dublin.
- 4.2. Condition no. 5 of the permission requires the unpainted rendered finish of the façade to remain unpainted in accordance with Section 8.4.20 of the Architectural Heritage Protection Guidelines for Planning Authorities.

## 5.0 Policy and Context

### 5.1. Dún Laoghaire-Rathdown County Development Plan 2022-2028

- 5.1.1. This planning application was lodged when the Dún Laoghaire-Rathdown County Development Plan 2016-2022 was in force. The county development plan 2022-2028 has now been adopted and is the relevant local policy document for the adjudication of this appeal case.

### 5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning 'A' which has the objective "to provide residential development and improve residential amenity while protecting the existing residential amenities". The existing building on the site is a Protected Structure (RPS Ref. 913).

### 5.3. Conservation

- 5.3.1. **Policy Objective HER8: Work to Protected Structures** – It is a Policy Objective to:
  - (i) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
  - (ii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.
  - (iii) Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.

(iv) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.

5.3.2. **Policy Objective HER11: Energy Efficiency of Protected Structures** - It is a Policy Objective to have regard to the Department of Environment, Heritage and Local Government's publication on 'Energy Efficiency in Traditional Buildings' (2010) and the Irish Standard IS EN 16883:2017 'Conservation of Cultural Heritage - Guidelines for Improving the Energy Performance of Historic Buildings' (2017) and any future advisory documents in assessing proposed works on Protected Structures.

#### 5.4. **Architectural Heritage Protection Guidelines for Planning Authorities (2011)**

5.4.1. Sections 8.4.20 and 8.4.21 of the Guidelines provide direction on proposals which affect painted façades of heritage buildings. Proposals to paint façades not previously painted should be carefully scrutinised. Permission should not normally be given to paint over previously unpainted walls of Protected Structures (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.

5.4.2. Section 8.4.21 notes that plain render was often left unpainted with a grey-brown self-coloured finish, but over the years paint finishes have tended to be applied to such render. Where these are not harming the fabric, for example, by restricting the porosity of the wall, no issue should arise.

#### 5.5. **Natural Heritage Designations**

5.5.1. None.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first-party appeal has been lodged by Mahoney Architecture on behalf of the applicant in relation to condition no. 2 (a) only of the Notification of the Decision to Grant Planning Permission only. The grounds of appeal can be summarised as follows:

- Condition no. 2 (a) does not appropriately apply the principles of conservation as set out in the development plan and the Architectural Heritage Protection Guidelines for Planning Authorities.
- This condition is not based on any substantive conservation principles. The Conservation Officer has set out an unsupported and unsubstantiated opinion that 20<sup>th</sup> century cement render is an integral part of the special character and appearance of this 1850s Victorian period home. No evidence has been forthcoming to defend this opinion.
- Significant historical and physical evidence has been presented to demonstrate that the render is not part of the character and special interest of the building and is not an original feature.
- None of the conservation prescribed bodies have noted opposition to the works.
- Planning permission was granted for a change of use of the building from commercial to a single-family dwelling in 2018, with a condition attached which required that the render should not be painted to safeguard the special architectural character or historical interest of the building.
- It is submitted that the reference was incorrectly applied as the existing render is not the original render, which would have been a lime render mix.
- The existing façades are all covered in cement mix render of varying 20<sup>th</sup> and 21<sup>st</sup> century age profiles resulting in a variety of colour and textures from different periods. All have a cold grey appearance, unlike the lime mix which would have had a warmer hue.

- The guidance set out in Sections 8.4.20 and 8.4.21 of the Architectural Heritage Protection Guidelines for Planning Authorities implies that the painting of a façade where non-historic surface applies, is only an issue if painting over the original unpainted historic render or if the paint would cause damage to the substrate structure. Neither of these considerations apply in this case and therefore it should be deemed appropriate to paint the flat render surfaces.
- The removal of the cement render is not deemed appropriate at this time, which could damage the original structure. The proposed upgrade work and painting of the façades will sensitively restore the house to an appearance akin to the original.
- The Conservation Officer's Further Information request questioned whether the render was original. To address this issue, a render analysis report was commissioned to determine its age and material composition.
- An Architectural Conservation materials specialist was appointed to carry out an on-site and laboratory analysis and diagnostics of the existing renders. This analysis determined that the original flat render was a lime render, with significant surviving lime material evident and exposed to the rear side of existing cement render.
- As it has been determined that the current unpainted 20<sup>th</sup> century cement plaster render is not original, there is no conservation reason to restrict the painting of same.
- The Conservation Officer's subsequent assessment notes that the current render has been in place for over 100 years and therefore is part of the building's character and appearance. The fact that the render is "old", is not sufficient conservation justification to restrict the painting of same.
- An inappropriate precedent case has been relied on by the Conservation Officer, whereby An Bord Pleanála upheld a condition of the Planning Authority to refuse permission for the painting of rendered areas of the front and side façades of a proposed Protected Structure in the draft county development plan 2022-2028 (ABP Ref. PL06D.309222). The unpainted render the subject of this appeal was the original roughcast render of the

original dwelling and is clearly part of the special character and appearance of the property.

- It is the applicant's intention to match the paint for colour, reflectivity and texture to emulate the existing lime plaster uncovered on site and to carry out the works to the highest quality and conservation principles.
- Corrig Avenue is characterised by a wide variety of house types with brick, pebbledash and roughcast render. The Victorian houses have a range of render finishes some unpainted, some partially painted, and some fully painted. There are also examples of lime re-rendered façades. It can be strongly argued that this eclectic mix is the basis of the street's special character and appearance.
- The planning application research on the history of Corrig Avenue has not sourced any reference to unpainted cement render contributing to the special character and appearance of the houses on this street, nor has the Conservation Officer presented any such evidence.

6.1.2. The appeal includes a copy of the Mortar Report prepared on behalf of the applicant by Dr. Jason Bolton, as submitted with the applicant's Further Information response.

## 6.2. **Planning Authority Response**

6.2.1. A response to the appeal was received from the Planning Authority on 17<sup>th</sup> November 2021. The Planning Authority considers that the grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

## 6.3. **Observations**

6.3.1. None.

## 7.0 Assessment

- 7.1. This is a first-party appeal against condition no. 2 (a) of Dún Laoghaire-Rathdown County Council's Notification of the Decision to Grant Planning Permission only, which excludes the painting of any façades including painting of non-historic cement render flat wall sections (save for painting of existing painted decorative features). 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 (a) only. As such, 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.
- 7.2. The Architectural Heritage Assessment which accompanies the application sets out a justification for the proposed painting of the building façades. This report notes that the existing render is not original, which would have been a lime render mix, and that the existing façades are all finished in cement mix render of varying 20<sup>th</sup> century age profile, resulting in a variety of colours and textures from different periods. The report further notes that the removal of the cement render may cause harm to the material below and the stucco plaster detail and that there is no evidence of significant building fabric failure due to the cement render in situ. It is submitted that the painting of the flat render surfaces should be permitted based on the advice contained in the Architectural Heritage Protection Guidelines for Planning Authorities.
- 7.3. Dún Laoghaire-Rathdown County Council's Conservation Officer initially requested that Further Information be requested in relation to the proposed development. The Conservation Officer considered it unlikely that the original render would have been a lime render, with smooth renders such as Roman cement noted to have become popular from the late 18<sup>th</sup> century onwards, with Portland cement renders becoming increasingly common by the late 19<sup>th</sup> century and often left unpainted. As such, the applicant was requested to provide details of where planning permission has been granted to paint the exterior of a similar style Protected Structure.

- 7.4. The applicant's agent submits that the style and tradition in Dún Laoghaire / Monkstown is for painted render. The applicant's agent is confident that, based on the considerable research and conservation specialist consultation which was undertaken in the preparation of the Conservation Report, Portland cement was not in common use in Ireland before the 1880s.
- 7.5. In responding to the Request for Further Information, the applicant commissioned an architectural conservation specialist to carry out on-site and laboratory analysis of the existing renders of the Protected Structure (report of Dr. Jason Bolton of August 2021 refers). This report concludes that No. 1 Corrig Avenue has a decorative principal historic entrance and stucco window surrounds of painted natural Roman cement and a weathered Portland cement render above a lime-based render. Another Portland cement render was added to the post-1937 extension at the rear, and this appears to have been used for some repairs at this time. Other Portland cement mortar 'patch' repairs are also visible on the external envelope. The report states that the Portland cement render seen on the façade, sides and rear of the building is very unlikely to have been the original finish of the building, with the presence of part of a lime render beneath the Portland cement render suggesting that the building was originally finished in lime render.
- 7.6. In assessing the findings of this report, Dún Laoghaire-Rathdown County Council's Conservation Officer states that the report establishes that the current render has been in situ for over 100 years and therefore is part of the building's character and appearance. Based on the foregoing, the Conservation Officer does not support the proposed painting of the exterior. In response, the applicant's agent submits that the fact the render is "old" is not sufficient conservation justification to restrict the painting of same and that the Conservation Officer has set out an unsupported and unsubstantiated opinion that 20<sup>th</sup> century cement render is an integral part of the special character and appearance of this 1850s Victorian period home.
- 7.7. In considering the issue at hand, I note the provisions of Sections 8.4.20 and 8.4.21 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011), which state, inter alia, that permission should not normally be given to paint over previously unpainted walls of Protected Structures and that 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. The

Guidelines further note that where paint finishes have been applied to plain render over the years, and where they are not harming the fabric, no issue should arise. The applicant's agent submits that this guidance implies that the painting of a façade is only considered an issue if either: (1) painting over the original, unpainted historic render, or (2) if the paint would cause damage to the substrate structure, neither of which applies in this case.

7.8. I agree with this interpretation of the Guidelines, as undertaken by the applicant's agent. In my opinion, the applicant has completed appropriate research into the building façades, which identifies that the building was originally finished in lime render. As such, given that the existing renders are not original to the Protected Structure, I consider that it would be unreasonable to restrict the painting of the building façades in this instance. Thus, I consider that the Planning Authority should be directed to omit condition no. 2 (a) of the permission.

#### 7.9. **Appropriate Assessment**

7.9.1. Having regard to the nature and scale of the proposed development, and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

### 8.0 **Recommendation**

8.1. I recommend that the Planning Authority be directed to omit condition no. 2 (a) for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the information included with the planning application and appeal, in particular, the on-site examination and sampling of the rendering mortars on the exterior of the building, which has identified that the existing render is not original to the Protected Structure, and the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011), it is considered that the requirements of the Planning Authority, in its imposition of Condition No. 2 (a), are not warranted, and that the proposed development, with the omission of this condition, would have no significant negative impact on the character, appearance or setting of the Protected Structure. Thus, the proposed painting of the building façades would be in accordance with the proper planning and sustainable development of the area.

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Louise Treacy  
Planning Inspector

23<sup>rd</sup> June 2022