



An  
Bord  
Pleanála

## Inspector's Report ABP-313134-22

### Question

Whether External insulation cladding of 100mm on the front of the house and 150mm on the gable and rear of the house is or is not development or is or is not exempted development.

### Location

396, Clontarf Road, Clontarf, Dublin 3.

### Declaration

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

0439/21

Applicant for Declaration

Gillian Leetch

Planning Authority Decision

Not deemed to be exempted development.

### Referral

Referred by

Gillian Leetch

Owner

Gillian Leetch

Observers

None

Site Inspection

13<sup>th</sup> January 2023

Inspector

Stephen Ward

## 1.0 Site Location and Description

- 1.1. The site is located on Clontarf Road at its junction with Dollymount Avenue. It fronts onto Dublin Bay (to the east) and is distanced approximately 550m to the northeast of Bull Island wooden bridge and 6km northeast of Dublin city centre.
- 1.2. The site is rectangular in shape and contains a 2 ½ storey two-bay end-of-terrace dwelling. The house front features a bay-window projection at ground and first-floor levels, as well as a modern dormer window and a single storey front porch. The gable elevation onto Dollymount Avenue is blank apart from 2 small high-level window openings, and there are part-single and part-two storey rear extensions. To the front of the house is a small garden, enclosed by a combination of railings, walls, and a pedestrian gate. There is a public footpath along the front and side of the site.
- 1.3. The terrace is characterised by properties of similar character. However, there are notable differences in the architectural detailing of various groups of houses within the terrace. The subject property is generally consistent with the two adjoining properties to the southwest (i.e. nos. 394-395). On the opposite side of Dollymount Avenue, the properties are of a significantly different character consisting of semi-detached gable-fronted dwellings.

## 2.0 The Question

- 2.1. The question referred by the owner to the planning authority pursuant to Section 5(1) of the Planning and Development Act, 2000, as amended (“the Act”) and subsequently referred by the applicant to the Board, pursuant to Section 5(3) of the Act is, as follows:

*‘Whether External insulation cladding of 100mm on the front of the house and 150mm on the gable and rear of the house is or is not development or is or is not exempted development.’*

- 2.2. The ‘specification of works’ submitted as further information outlines the following:
  - Every effort will be made to replicate the original appearance of the house.
  - Replace windows with timber sash windows to the front and ‘aluclad’ on the side and rear.

- Install Baunit External Insulation System.
- Kingspan EPS 100mm platinum grey insulation, meshed base coat, primer and 1.5mm acrylic render (granopor top) to the external walls.
- Existing sills will be removed, insulated, and over sills in traditional style using performed powder coated aluminium.
- Reveals will be insulated with 20mm EPS to break cold bridge and finished as original patent reveal style (if windows remain in current position).
- Insulation will stop at gutter level excluding front facing wall.
- On front facing wall, gutter supports will be removed, gutter will be replaced with PVC gutter and new supports will be created.
- Aluminium, powder coated cappings will be used.
- Insulation will continue below DPC using suitable insulation in 80mm thickness.
- The colour will be light grey/blue.

### 3.0 Planning Authority Declaration

#### 3.1. Declaration

By order dated 28<sup>th</sup> February 2022, Dublin City Council issued a declaration stating that the proposed development is not exempt from the requirement to obtain planning permission for the following reason:

*On the basis of the material submitted with this Section 5 application (and the further information submitted on 8th February 2022) for declaration of exemption from requiring planning permission, namely that the external insulation to the complete dwelling using a Granopor Top acrylic render over 100/150mm EPS system and that the existing finish of the front façade is to be reproduced accurately by the new finishes, it is considered that the Planning Authority does not have sufficient information in order to deem that proposed works would constitute exempt development. The proposal is therefore not deemed to be exempted development by*

*reason of being in accordance with Section 4(1)(h) of the Planning and Development Act 2000-2015.*

### **3.2. Planning Authority Reports**

3.2.1. The initial planner's report concluded that the works involved constitutes development. However, based on the information submitted by the applicant, the report stated that it cannot be determined conclusively whether or not the proposal is or is not exempted development. Further information was requested on matters which can be summarised as follows:

- submit drawings and sections showing how the proposed works will affect the profile and depth of openings and how it will alter the relationship of the external walls on the front and side elevations to the eaves, cills, ornamental features and the adjoining properties.
- submit further details of the insulation intended to be used on the dwelling, including colour and finish.

3.2.2. Subsequent to the receipt of further information, a second planner's report was completed. The assessment conclusion can be summarised as follows:

- Having regard to the legislative definitions, it is considered that the proposal would constitute the carrying out of 'works' and 'development' as defined in sections 2 and 3(1) of the Act.
- As per section 4(1)(h) of the Act, the issue to be determined is whether the application of the insulation would materially affect the appearance of the structure so as to render it inconsistent with the character of the structure or of neighbouring structures. In determining this, it is noted that the character of the house would be more dominantly affected by its street appearance (front and side elevation in this instance) than its rear appearance. Consideration must also be given to the shape, colour, design, layout and ornamental features of the dwelling concerned.
- No drawings or sections have been submitted with the application or further information received.

- As this is an end of terrace dwelling on a prominent row of terraces with noteworthy ornamentation and historical detailing, there is a risk that the insulation shall protrude beyond the building line of the remaining terraced row rendering the development out of character with the surrounding streetscape.
- There may well be some factors to mitigate against the potential for material effects on the external appearance of the structure and neighbouring structures. However, based on the information provided, there is insufficient clarity as to the proposed arrangement for the preservation of existing detailing such as the dentil ornamentation, which is a prominent feature of the property.
- In order to fully understand how the proposed works would affect the eaves, cills and ornamental features, it would have been beneficial to see drawings and sections showing the proposed works. Whilst the supplementary information provided by the applicant goes to lengths to assist in clarifying the main issues, it does not give the necessary assurances required by the Planning Authority to deem that the proposal is exempt by reason of it being in accordance with Section 4(1)(h) of the Planning and Development Act 2000-2015.
- The recommendation is as outlined in the DCC decision.

## 4.0 Planning History

4.1. The following applies to the subject site:

**P.A. Reg. Ref. WEB1445/22:** Permission granted (17<sup>th</sup> August 2022) for demolition of dormer window to front of existing roof, construction of an attic conversion to include 2 no. dormer windows to front and 3 no. in-line roof lights to rear of existing roof, replacement of external door to side gable with fixed window and all associated site works. These works have not yet commenced on site.

4.2. The following other referrals decided by the Board are considered relevant to this case.

**ABP Ref. 309407-21:** On the 14<sup>th</sup> June 2021, the Board decided that installation of external insulation to the exterior of the dwellinghouse at 16 Beech Park Avenue, Foxrock, Dublin, is development and is not exempted development. The Board's order noted that the works amounted to the entire concealment of exterior details and finishes which are defining characteristics of the housing at this location and materially effect the external appearance of the structure so as to render the appearance inconsistent with the character of the structures and neighbouring structures.

**ABP Ref. 307701-20:** On the 11th November, 2020 the Board decided that the fitting of external insulation to a gable wall with brick facing at 7 Shanganagh Terrace, Killiney, Co. Dublin, was development and was not exempted development as the works 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, and as the works would also materially affect the character of the Killiney Architectural Conservation Area.

**ABP Ref. 301692-18:** On 23rd November, 2018 the Board decided that the installation of external insulation to front, side and back of the house at 134 Cabra Road, Dublin, was development and was not exempt because the works 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.

**ABP Ref. 300101-18:** On the 17<sup>th</sup> of August 2018, the Board decided that the installation of 100mm-150mm external insulation and render and alterations to external finishes of 39 dwellings at the Lough Na Glack Estate, Carrickmacross, Co. Monaghan, is development and is exempted development. The Board's order stated that the works would not materially affect the external appearance of the structures (houses) so as to render the appearance inconsistent with the character of the structures and neighbouring properties.

**ABP Ref. RL3545:** On the 15th December, 2017 the Board decided that works comprising the application of external insulation and a render finish to a detached dwelling at Aileach Road, Buncrana, Co. Donegal, was development and was not exempted development. The Board's order outlined that the works did not come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, as amended, as it would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure.

**ABP Ref. RL3044.** On 24th May, 2013 the Board decided that the upgrading of the building fabric of a two-storey, semi-detached dwelling at No. 92 Greenlea Road, Terenure, Dublin, to include the application of external insulation with a rendered finish, was development and was exempted development because the proposed works would not 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.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Dublin City Development Plan 2022-2028 came into effect on the 14<sup>th</sup> of December 2022 and is now the operational plan for the purposes of the Board decision. The site is zoned as 'Z1 Sustainable Residential Neighbourhoods', the objective for which is '*To protect, provide and improve residential amenities*'. The subject building is not included on the Record of Protected Structures (RPS) and is not within an Architectural Conservation Area (ACA) or any other designated 'conservation area'.
- 5.1.2. Other relevant aspects of the Plan can be summarised as follows:
- **CA6:** Promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible.
  - **CA7:** Supports high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retro-fitting of appropriate energy efficiency measures in the existing building stock.

- **CA8:** Requires low carbon development in the city.
- **BHA11:** (a) Retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment. (b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features. (c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.
- **BHA21:** 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 updates or advisory documents in assessing proposed works on heritage buildings.
- **BHA24:** Encourage and facilitate the careful refurbishment of the historic built environment for sustainable and economically viable uses and support the implementation of the National Policy on Architecture as it relates to historic buildings, streetscapes, towns and villages, by ensuring the delivery of high quality architecture and quality place-making, and by demonstrating best practice in the care and maintenance of historic properties in public ownership.
- **Section 15.4** outlines the key design principles in development management. Architectural design quality should respect Dublin's heritage and local distinctiveness and enrich the city environment. And under 'sustainability and climate action', buildings should be designed to promote efficient energy use.
- **Section 15.7.1** outlines guidance to support the reuse and retrofitting of existing buildings.



## 5.2. **Natural Heritage Designations**

The North Bull Island SPA and the North Dublin Bay SAC extend to the coastline on the opposite side of Clontarf Road (approximately 15 metres from the referral site).

## 6.0 **The Referral**

### 6.1. **Referrer's Case**

6.1.1. The applicant's case can be summarized as follows:

- The intention is to make the dwelling more sustainable and energy efficient.
- The contractor will replicate the original appearance of the sills and features at the front of the house. There is no intention to alter the appearance of the house and every effort will be made to minimize any changes.
- The work should be categorised as exempt from planning as it does not materially alter the appearance of the house.
- Given the launch of the recent scheme to encourage retrofit of homes like this and the scale of projects expected, it would not be feasible for this type of work to require a full planning process including the submission of architect-produced drawings.

### 6.2. **Planning Authority case**

The Planning Authority has not responded to the referral.

### 6.3. **3<sup>rd</sup> Party submissions**

None.

## 7.0 Statutory Provisions

### 7.1. Planning and Development Act, 2000 (as amended)

#### 7.1.1. Section 2(1) of the Act states the following:

- ‘alteration’ includes –
  - (a) plastering or painting or the removal of plaster or stucco, or
  - (b) 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;
- ‘development’ has the meaning assigned to it by Section 3;
- ‘exempted development’ has the meaning specified in section 4;
- ‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

#### 7.1.2. Section 3(1) of the Act states that:

- *‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land’.*

#### 7.1.3. Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including:

- **Section 4(1)(h)** providing for *‘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’.*

- 7.1.4. **Section 4(2)** of the Act provides that '*the Minister may, by regulations, provide for any class of development to be exempted development*'. The main regulations made under this provision are the Planning and Development Regulations 2001, as amended.
- 7.1.5. **Section 4(4)** outlines that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required, unless otherwise outlined in regulations under section 4A.

## 7.2. **Planning and Development Regulations, 2001 (as amended)**

### 7.2.1. **Article 6 (1) states:**

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 1.

- 7.2.2. **Article 9** outlines that development to which article 6 relates shall not be exempted development if the carrying out of the works would contravene / consist of a range of specified circumstances.

## 7.3. **Relevant Caselaw**

- 7.3.1. The case of *Cairnduff v. O'Connell* concerned the addition of a new window to a house coupled with the return of a balcony and staircase leading to the balcony in a terraced house. The Supreme Court considered that the works did materially affect the external appearance of the structure but did not render such appearance inconsistent with the character of the structure nor of neighbouring structures. Therefore, the development was exempted under Section 4(1)(g) of the 1963 Act. The findings of this judgement are relevant as it considered that the character of a terraced house would be more dominantly affected by its street appearance rather than its rear appearance. Also of importance is that character must relate in general to the shape, colour, design, layout and ornamental features of the structure concerned.

## 8.0 Assessment

### 8.1. Is or is not development

8.1.1. Although the question currently posed refers only to external insulation, it is noted that alterations are also proposed to the existing windows. It would appear that it is proposed to replace the existing windows and carry out associated alterations to the cills and reveals. Therefore, I would propose that the question should be reformulated to include these elements.

8.1.2. As previously outlined, Section 3 of the Planning and Development Act, 2000, as amended, defines 'development' as 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. In my opinion, the installation of external insulation to the front and side of the existing dwelling house, and the replacement of the existing windows, clearly involve acts of 'development' having regard to Section 2 of the Act where 'works' are defined as:

*'...any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior to exterior of a structure'.*

8.1.3. Accordingly, having established that the installation of the external insulation and the replacement of windows constitutes development, the question arises as to whether these works constitute exempted development.

### 8.2. Is or is not exempted development

8.2.1. From a review of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, it is clear that there is no express provision which would specifically allow for the works in question to constitute exempted development and, therefore, it remains to be determined if said works would qualify for an exemption pursuant to Section 4(1)(h) of the Act. This provision refers to *'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’.*

- 8.2.2. In this respect, it is of relevance in the first instance to consider if the attachment of external insulation and replacement of windows amounts to the ‘maintenance’, ‘improvement’ or ‘other alteration’ of the existing dwelling house. While this matter was not specifically addressed by the planning authority, the applicant has made it clear that the purpose of the external insulation is to improve the energy efficiency of the house. The replacement of the windows may also improve energy efficiency and the stated choice of timber sash windows could also be deemed to an improvement to the character and appearance of the house. Therefore, in principle, I am satisfied that the works can be construed as an ‘improvement’ or ‘other alteration’ to the existing dwelling. The question remains to be whether the works would *‘materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or of neighbouring structures’.*
- 8.2.3. As previously outlined, the house forms the end of a terrace of c. 12 properties. From an inspection of historic mapping, it would appear that the terrace was constructed in the late 19<sup>th</sup> / early 20<sup>th</sup> century. However, the terrace would appear to have been altered significantly over the years. It consisted of a straight, consistent building on the OSI ‘Historic 25 inch’ map. Therefore, the front bay window extensions that currently exist would appear to be later additions.
- 8.2.4. As previously outlined, the terrace is generally of a consistent form and rhythm. However, there are various groups of dwellings within the terrace which exhibit varying architectural details. The majority, but not all dwellings, have incorporated some form of dormer windows to the front. There is a varying approach to bay window design, varying from single storey curved bays to 2-storey angular versions. The external wall finishes are generally plaster, but there are two adjoining red-brick properties within the terrace. The doors and windows are generally of a consistent form and proportion, however there are varying approaches to detailing such as glazing bars, materials, fan lights etc. All of the properties contain some form of dentil detail at eaves level, which is a significant feature of the terrace.

- 8.2.5. At a more relevant and localised level within the terrace, the subject property forms part of a distinctive group of dwellings together with Nos. 394 and 395. These three dwellings would appear to have been constructed as an identical group and they retain consistent features in relation to windows, doors, 2-storey angular bays, finishes, and dentils. I acknowledge that in more recent times varying approaches have been taken towards dormers/rooflights and a single storey porch has been added to the front of the subject dwelling (no. 396).
- 8.2.6. In my opinion, the main impact of the external insulation would be its obvious advancing of the building line to the front (by 100mm) and to the side and rear (by 150mm). At the front of the house, this has clear implications for the interface with the adjoining property (no. 395), whereby a protruding façade would most likely be inconsistent with the character of neighbouring dwellings. I acknowledge that the impact may be mitigated by the dividing gutter between no. 395 and 396. However, there are no drawings or detailed proposals to demonstrate the impact in this regard.
- 8.2.7. Similarly, I consider that the advanced façade to the front has the potential to impact on the distinctive features of the house itself. The layer of insulation has clear implications for the profile of the façade, including the depth of the openings and the definition of features such as the window cills, reveals, and dentils. It would appear that the applicant's intention is to protect these features and not to impact on the character of the dwelling. However, despite these good intentions, I do not consider that the Board can determine the impact of the works the character of the house in the absence of any drawings.
- 8.2.8. The applicant highlights the availability of current supports for the retrofitting of homes and submits that it would be unreasonable that such projects would require 'a full planning process including the submission of architect produced drawings'. I fully acknowledge the importance of energy efficiency in buildings, which is supported by the Development Plan policies and at national level in terms of policy and financial support.
- 8.2.9. However, given that the determination of this question rests on the visual impact of the works on the character of the structure and neighbouring structures, I consider that drawings showing the nature and extent of the proposed works are essential. Such drawings would need not necessarily be to the standard of a planning

application. However, at a minimum, I consider that detailed drawings would be required showing the proposed elevations and their relationship with neighbouring structures; the profile of the insulation at the interface with no. 395; the interface with the dentil/eaves detailing; and the interface with the window openings including cills, reveals etc.

- 8.2.10. The side elevation is generally blank, apart from two small window openings. The elevation is not of any particular character, although it is at a prominent location at the junction of Clontarf Road and Dollymount Avenue. There is no overhang at the roof level of the gable and, therefore, the addition of 150mm insulation has the potential to impact on the character of the front elevation of the house. Again, there are no drawings to demonstrate the detail of this important feature.
- 8.2.11. The rear of the house contains a range of extensions and alterations. It is not of a distinctive character, and it is not prominently visible. Accordingly, I would feel that the addition of external insulation (150mm) to the rear façade is unlikely to impact on the character of the structure or neighbouring structures.
- 8.2.12. In addition to the external insulation, I have recommended that the question should also incorporate the replacement of existing windows. I would acknowledge that the installation of timber sash windows to the front of the dwelling has the potential to positively impact on the character of the house. Again however, no drawings or detailed specification has been included and there appears to be a lack of clarity on the position of the windows (note - the 'specification of works' states '*if windows remain in current position*'). I do not consider that a determination can be reached in the absence of such detail.
- 8.2.13. It is noted that it is proposed to install 'aluclad' windows to the rear and side elevation. I would acknowledge that these elevations are not as sensitive or distinctive as the front elevation and that such works may not impact on the character of the structure or neighbouring structures.
- 8.2.14. In conclusion, I consider that both the external insulation works, and the replacement of existing windows have real potential to impact on the character of both the house itself and neighbouring houses within the terrace (particularly Nos. 394-395). In relation to the external insulation, the Board has previously found this to be the case in several cases outlined previously in this report. Ultimately, the determination of

this case would benefit from additional information in the form of detailed drawings and specifications, and it is open to the Board to request such information under section 131 of the Act of 2000 (as amended). However, the applicant has not availed of the opportunity to submit such information, either in the making of the original referral to the planning authority, the response to the planning authority's further information request, or as part of this referral to the Board. In the absence of same, I conclude that the Board cannot determine that the works would 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. Accordingly, I recommend that the Board cannot determine the works to be exempted development.

### **8.3. Restrictions on exempted development**

- 8.3.1. Article 9 of the Regulations outlines that development to which article 6 relates shall not be exempted development if the carrying out of the works would contravene / consist of a range of specified circumstances. However, I do not consider that the current case involves development to which article 6 relates and the restrictions outlined in article 9 do not, therefore, apply.
- 8.3.2. I also acknowledge that section 2 of the Act outlines that '*except where the context otherwise requires*' the term 'alteration' implies a material alteration of the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures. However, in the context of considering exempted development, this would imply that all 'alterations' are not exempted development as per section 4(1)(h) of the Act. Accordingly, I consider that this context requires a wider assessment under the terms of section 4(1)(h), which itself includes 'alteration' as works which may or may not be exempted development.

### **8.4. Environmental Impact Assessment – Preliminary Examination**

The proposed development is not of a class specified in Part 2 of Schedule 5 to the Planning and Development Regulations 2001 (as amended). Accordingly, a determination is not required in relation to the requirement for Environmental Impact Assessment as per section 7A of the Planning Act of 2000 (as amended).



## 8.5. Appropriate Assessment – Preliminary Examination

- 8.5.1. This case involves an existing developed site which is located within a serviced urban area. The proposed works are of minor scale and complexity. The nearest Natura 2000 sites are North Bull Island SPA and the North Dublin Bay SAC. These sites extend to the coastline (approximately 15 metres from the referral site) and are separated by the Clontarf Road and associated development / activity.
- 8.5.2. Having regard to the limited scale of the proposed development, the limited potential for any associated emissions, and the lack of connectivity with Natura 2000 sites due to the separation distance and development buffer, I consider that no Appropriate Assessment issues arise. The 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

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 cladding of 100mm on the front of the house and 150mm on the gable and rear of the house at No. 396, Clontarf Road, Clontarf, Dublin 3, is or is not development or is or is not exempted development:

**AND WHEREAS** Gillian Leetch of No. 396, Clontarf Road, Clontarf, Dublin 3, requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 3<sup>rd</sup> day of March 2022 stating that the proposal is not deemed to be exempted development:

**AND WHEREAS** Gillian Leetch of No. 396, Clontarf Road, Clontarf, Dublin 3, referred the declaration for review to An Bord Pleanála on the 28<sup>th</sup> day of March, 2022:

**AND WHEREAS** the Board reformulated the question as follows –

whether external insulation cladding of 100mm on the front of the house and 150mm on the gable and rear of the house, together with the replacement of existing front windows with timber sash windows and the replacement of existing side and rear windows with ‘aluclad’ windows, at No. 396, Clontarf Road, Clontarf, Dublin 3, is or is not development and is or is not exempted development:

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

- (a) Section 2(1), 3(1), and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) the provisions of the Dublin City Development Plan 2022-2028,
- (c) the character and pattern of development in the area, and
- (d) the report of the Planning Inspector:

**AND WHEREAS** An Bord Pleanála has concluded that –

- (a) the installation of external insulation and the replacement of existing windows constitutes works which is development, as defined in section 3 of the Planning and Development Act, 2000, as amended,
- (b) the installation of external insulation and the replacement of existing windows constitutes ‘works for the maintenance, improvement or other alteration of any structure’ as defined in section 4(1)(h) of the said Act,
- (c) the installation of external insulation and the replacement of existing windows has real potential to conceal and/or significantly alter the exterior details which are defining characteristics of this house and the adjoining

terrace along Clontarf Road and which would, therefore, materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and that of neighbouring structures,

(d) the Board is not satisfied that any drawings or documentation have been submitted to demonstrate that the proposed works would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and that of neighbouring structures, and

(e) the installation of external insulation and the replacement of existing windows accordingly does not come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the installation of external insulation cladding of 100mm on the front of the house and 150mm on the gable and rear of the house, together with the replacement of existing front windows with timber sash windows and the replacement of existing side and rear windows with ‘aluclad’ windows, at No. 396, Clontarf Road, Clontarf, Dublin 3, is development and is not exempted development.

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Stephen Ward  
Senior Planning Inspector

13<sup>th</sup> February 2023