



An  
Bord  
Pleanála

## Inspector's Report

**ABP-318265-23**

<b>Development</b>	Retention of external materials and finishes
<b>Location</b>	'Cortona', Clarinda Park West, Dun Laoghaire
<b>Planning Authority</b>	Dun Laoghaire Rathdown Co. Co.
<b>Planning Authority Reg. Ref.</b>	D23A/0506
<b>Applicant(s)</b>	Sonya and Vinnie Finnegan
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Refusal of retention permission for one reason
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Sonya and Vinnie Finnegan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> December 2023
<b>Inspector</b>	Bernard Dee

## **1.0 Site Location and Description**

- 1.1. The appeal site is located along the southern boundary of Clarinda Park within Dún Laoghaire Town Centre. This site is located within the Clarinda Park Architectural Conservation Area (ACA) on the eastern side of Clarinda Park West road, opposite Crosthwaite Terrace. Clarinda Park West is to the north of Corrig Road, south of George's Street Upper and southeast of Dun Laoghaire town centre.
- 1.2. The appeal site, is occupied by a modernist style two storey above basement dwelling granted on foot of permission PL06D.248406 (D17A/0113) on 15<sup>th</sup> October 2017.
- 1.3. The house is located at the end of a terrace of Victorian villas (Protected Structures) built c.1870s along the eastern side of Clarinda Park West. The house is also located at the entrance to Clarinda Park House (Protected Structure). The western side of Clarinda Park West is characterised by 2 storey over basement terraces.

## **2.0 Proposed Development**

- 2.1. The development for which retention permission is sought relates to the replacement of permitted cladding at the upper levels permitted by PL06D.248406 (D17A/0113) and amended by D21A/1037 with painted render and replacing a granite aggregate polished concrete (GAPC) plinth finish with a painted render finish. The render is silicone based.

## **3.0 Planning Authority Decision**

- 3.1. Decision

Retention permission for the unauthorised changes to the permitted external finishes was refused on 21<sup>st</sup> September 2023 for one reason.

1. The development proposed to be retained comprising of modifications to external materials and finishes in respect of the approved plans (Reg. Ref. D17A/0013 and ABP Ref PL06D.248406 as amended by Reg. Ref. D21A/1037, by reason of the sensitive nature and context of the subject site and extent of modifications, fails to positively contribute to or enhance the external form of the dwelling previously permitted under Reg. Ref. D17A/0013 and ABP Ref PL06D.248406 as amended by Reg. Ref. D21A/1037. The development proposed to be retained has a serious negative impact on and appears visually discordant with its context within the Clarinda Park ACA and setting of neighbouring Protected Structures. The development proposed to be retained detracts from the architectural grain of the subject area and if permitted would set an undesirable precedent for similar development in the area. The development proposed to be retained is contrary to Chapter 11 Heritage and Conservation Policy Objective HER13 and Section 12.11.4 of the County Development Plan 2022-2028 and would therefore be contrary to proper planning and sustainable development.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report on file, in summary, had regard to the following planning issues:

- The proposal for painted render at plinth level under application D21A/1037 was specifically omitted by condition 3 to ensure that the development as permitted by PL06D.248406 (D17A/0113) and that effective control be maintained.
- The GAPC is seen as more appropriate to the context of the structure within an Architectural Conservation Area and adjacent to Protected Structures.
- Regarding the upper levels of the structure, previous permissions specified coloured metal cladding which the applicant changed to painted render and for which retention permission is now sought.
- For similar reasons to the unsuitability of the lower plinth, in an Architectural Conservation Area and adjacent to Protected Structures, painted render on the upper levels is also inappropriate in this specific context.

#### 3.2.2. Other Technical Reports

- The Conservation Division report concludes that - In the interests of protecting the built character and appearance of Clarinda Park ACA and the established setting of the surrounding Protected Structures, the Conservation Division do not support the proposed development. It fails to contribute in a positive manner or enhance the built character of the ACA and fails to comply with

Policy Objective HER13 and Section 12.11.4 of the County Development Plan 2022-2028. We will always advocate and encourage a high quality, sensitive design, sympathetic to its context that will complement and enhance the built form and architectural expression of any given ACA. The external form of this building relied on its finishes and materials in order to achieve a successful outcome.

#### 3.2.3. Observations

- None received.

### 4.0 Planning History

#### 4.1. On the Appeal Site

- **An Bord Pleanála Reference PL06D.248406 (D17A/0113)** – the Board granted permission following Local Authority refusal of the construction of a part three-storey over basement and part single storey detached dwelling, relocation of existing piers (to Clarinda Park House) and all associated site works, on a site adjacent to 40 Clarinda Park West, Dún Laoghaire, County Dublin on 15<sup>th</sup> October 2017 subject to 9 no. Conditions.
- Condition 1 required that the plans and particulars of the application be complied with, as amended by the further plans and particulars received by An Bord Pleanála on the 28th day of April 2017 with the appeal documentation.
- Condition 2 required that “Details including samples of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of protecting the character of Clarinda Park Architectural Conservation Area and in the interest of visual amenity.”
- **D21A/1037** – relates to an application for permission for modifications to the approved dwelling under construction, granted permission under Reg/Ref D17A/0113 and ABP ref: PL No. 06D.248406. The proposed (relevant) alterations comprise the following: 1. External finish of white K-Rend acrylic

render in-lieu of the GAPC plinth and black aluminium panel cladding in-lieu of corten steel - cladding to upper floors.

- Permission was granted on 3<sup>rd</sup> March 2021 subject to 4 no. Conditions.
- Condition No. 3 requires that – “The proposed external finish of white K-Rend acrylic render in-lieu of the granite-clad plinth (GAPC) shall be omitted from the development. REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.”

## 4.2. Policy and Context

### 4.2.1. Development Plan

The appeal site is located within the Clarinda Park Architectural Conservation Area (ACA) included in Dun Laoghaire Rathdown County Council’s Development Plan 2022-2028.

The following policy objectives are of relevance when assessing the proposed development.

- Policy Objective HER13: Architectural Conservation Areas
  - I. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).
  - II. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
  - III. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.
  - IV. Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.

- Section 12.11.4 New Development within an ACA

- I. A sensitive design approach is required for any development proposals in order to respect the established character and urban morphology. Where development is appropriate, the Planning Authority are supportive of contemporary design that is complementary and sympathetic to the surrounding context and scale. All planning applications for development within an ACA shall have regard to the following criteria:
- II. All developments within an ACA should be site specific and take account of their context without imitating earlier styles. New developments should be to a high standard of design and should have a positive contribution to the character of the ACA.
- III. Where proposals include modifications and/ or alterations, extensions, or roof alterations affecting structures within an ACA, these should be sensitively designed and sited appropriately, generally subsidiary to the main structure, and not constitute a visually obtrusive or dominant form of development, which would be detrimental to the character of either the structure, or its setting and context, within the ACA.
- IV. When considering development of a site within an ACA (including backland sites), proposals should be sympathetic to the existing character of the area and reflect or refer to the established environment in terms of design, massing, scale, established plot layouts and their relationship to historic streetscape pattern.

#### 4.3. Natural Heritage Designations

The following natural Heritage designation is located in the vicinity of the appeal site:

- South Dublin Bay and River Tolka Estuary SPA (004024)

#### 4.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### 5.0 The Appeal

#### 5.1. Grounds of Appeal

The relevant planning issues raised by the First Party are, in summary, as follows:

- Attempts to comply with Condition 2 of the Board's decision (Details including samples of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development) were not successful and resulted in a stalemate.
- The Planning Authority insisted on a GAPC plinth and corten steel upper level finish whereas the applicant was of the view that the painted render (Hi Pressure Laminate) submitted to the Board when appealing D17A/0113 was the default material granted by the Board.
- In order to regularise the painted render finish a retention application which is now the subject of this appeal was submitted. There were no objections from third parties at the Planning Authority stage to the painted render.
- Painted and unpainted render is the dominant architectural style in the Clarinda Park West ACA with granite details such as the steps of the appeal structure mirroring the detailing in stone in the surrounding rendered buildings.
- There are no examples of GAPC finishes on buildings in the area and also the metal cladding is excessive in its coverage of the structure in visual terms.

- The use of painted render will assist with the integration of the structure within its architectural context yet be distinguished from the historic structures by its contemporary architectural form.
- The painted render finish is fully compliant with Policy HER13 of the Development Plan in that it is sympathetic to its historic context.
- The Board may wish to consider the painting of the plinth grey or the creation of a green wall to satisfy the Planning Authority desire for a change of material to the different levels of the house.

## 5.2. Planning Authority Response

- The Planning Authority has responded that the issues raised in the first party appeal do not raise any new matter which in the eyes of the Planning Authority would justify a change of attitude to the proposed development.

## 5.3. Observations

- None.

## 6.0 **Assessment**

6.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

6.2. The assessment issues therefore are visual impact on Protected Structures and within an ACA and compliance with Development Plan built heritage policy. The issues are closely interrelated and are therefore assessed together below under the collective title of heritage impacts.

6.2.1. The issue of AA Screening is also addressed in this assessment.

### 6.3. Heritage Impacts

6.3.1. Firstly, I note the policies of the Development Plan in relation to the protection of the character and special interest of an area which has been designated as an ACA Section (HER13) and section 12.11.4 regarding the design requirements of new development within an ACA, which are relevant to the present appeal.



- 6.3.2. The Conservation Division Report on file sets out the rationale for refusal of the retention of the rendered finish, in that without differentiation of the plinth and the upper levels of the structure by high quality materials, the sheer scale and bulk of a wholly painted rendered structure in the location would have an adverse impact on the character of the ACA and on the adjacent Protected Structures.
- 6.3.3. I am of the opinion that in historic urban areas, new development should bear a contemporary stamp in terms of its form, style and decoration. The Planning Authority in seeking to minimise the visual impact of a new structure within an ACA are in effect compromising the overall design of the new structure which in the course of time become part of the architectural heritage narrative of the area.
- 6.3.4. The First Party states that high quality materials, the corden steel upper level and GAPC plinth, does not necessarily lead to a high quality design. I am inclined to agree with the First Party with respect to this statement.
- 6.3.5. The Conservation Division feels that the use of a single material for the whole structure would make the already large structure more prominent in its historic setting and the bulkiness of the structure must be reduced to reduce the visual impact attached to the new building.
- 6.3.6. Having been on site I am of the opinion that a single finish to the new structure is appropriate as it asserts its form and design which is of a high quality. There is no doubt that the new structure is different from the surrounding buildings, but I believe that it does make a positive contemporary contribution to the historical storey of the square and of Dun Laoghaire.
- 6.3.7. Trying to cloak the scale and massing of the structure by the application of differing materials at plinth and upper levels represents an attempt at a compromise between the architectural integrity of the new structure and the protection of its historic context and I am of the opinion that it achieves neither.
- 6.3.8. I would recommend to the Board that retention permission be granted for the painted render as this permits the design to be read as a whole and not as a fragmented collection of structural pieces. In this context I believe that form should take precedence over finish. I do not believe that the character of the ACA or the setting of the adjacent Protected Structure would be adversely impacted upon to any significant degree were the Board to grant retention Permission in this case.

#### 6.4. AA Screening

- 6.4.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### 7.0 Recommendation

I recommend that planning retention be granted for the retention of the painted render finish for the reasons and considerations set out below.

### 8.0 Reasons and Considerations

Having regard to the provisions of the Dun Láoghaire Rathdown Development Plan 2022-2028, including those regarding the protection of architectural heritage, it is considered that the painted render finish would not seriously injure the visual or historic character of the area, or of the ACA and Protected Structures and not create an undesirable precedent. The development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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**Bernard Dee**  
**Planning Inspector**

**8<sup>th</sup> March 2024**