



An
Bord
Pleanála

Inspector's Report ABP-318827-24

Question

Whether “the removal of paint from part of protected structure” at Violet Hill House, Herbert Road, Bray, County Wicklow is or is not development and/or is or is not exempted development.

Location

Violet Hill House, Herbert Road, Bray, County Wicklow.

Declaration

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

EX83/2023

Applicant for Declaration

Dalippe and Ann Marie Laloo

Planning Authority Decision

Is exempted development

Referral

Referred by

Maria Gallen

Owner/ Occupier

Dalippe and Ann Marie Laloo

Observer(s)

Daniel Gallen

Date of Site Inspection

11th June 2024

Inspector

Elaine Power

Contents

1.0 Site Location and Description	4
2.0 The Question	4
3.0 Planning Authority Declaration.....	4
3.1. Declaration.....	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	5
5.0 Policy Context.....	7
5.1. Bray Municipal District Local Area Plan 2018-2024	7
5.2. Wicklow Development Plan 2022 - 2028	7
5.4. Natural Heritage Designations	8
6.0 The Referral.....	8
6.1. Referrer's Case.....	8
6.2. Planning Authority Response.....	9
6.3. Owner/ occupier's response.....	10
6.4. Observation.....	11
6.5. Further Responses	12
7.0 Statutory Provisions.....	13
7.1. Planning and Development Act, 2000.....	13
7.2. Other Board Referrals.....	14
8.0 Assessment.....	14
8.2. Is or is not development.....	14
8.3. Is or is not exempted development	15
9.0 Recommendation.....	19

1.0 Site Location and Description

- 1.1. The appeal site is located in Bray, Co. Wicklow and forms part of Violet Hill House, a protected structure. The original house was previously subdivided into 4 no. residential units, in this regard Violet Hill House, Mandalay, Amber and Gallery. A former stables and coach house adjacent to the appeal site have also been converted to residential use. There are a total of 9 no. residential units within the overall Violet Hill site. The properties within the overall site are setback from the public road and well screened by mature trees and vegetation which gives the site a sylvan character.
- 1.2. Violet Hill House, the subject of this appeal comprises the majority of the original house and is set in large grounds. Access is from a private gated avenue which spurs off the private access road that serves a number of residential units within Violet Hill. The shared access road connects to Herbert Road.
- 1.3. Trees at Violet Hill are protected by Tree Preservation Order.

2.0 The Question

- 2.1. Whether the removal of paint from part of a protected structure, Violet Hill House, is or is not development and is or is not exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

- 3.1.1. The planning authority issued a declaration that the removal of paint from part of a protected structure at Violet Hill House is considered to be development and is exempted development having regard to the provisions of Sections 2, 3, 4(1)(h) and Section 57(1) of the Planning and Development Act 2000 (as amended).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners report dated 18th December 2023 is summarised below:

- Violet Hill House is a protected structure.
- The paint has been removed and the original brickwork exposed.
- The NIAH notes that the house is somewhat spoiled by the painting of the brickwork and the subdivision of the house.
- The original brickwork is part of the essential character of the original building. The act of removing the paint to expose the original brickwork does not in itself materially affect this original brickwork and, therefore, there is no impact on the character of the structure.
- The original brickwork is an element of the structure which contributes to its special architectural interest.
- There is no material effect on the character of the structure of any element of the structure which contributes to its special interest.
- The removal of the paint which allows for the exposure of the original brickwork of Violet Hill would come within the definition of works having regard to the provisions of the Planning and Development Act and is therefore development.
- The removal of the paint would come within the provisions of Section 4(1)(h) and Section 57 of the Planning and Development Act as the works would be works of an alteration 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 neighbouring structures, and does not materially affect the special architectural interest of this element of the structure and therefore there is no material impact on the character of the protected structure.

3.2.2. ***Other Technical Reports***

None

4.0 **Planning History**

Appeal Site

Reg. Ref. 18/1429: Permission was refused in 2018 for the construction of a 2-storey house within the curtilage of Violet Hill House. The 2 no. reasons for refusal relate to

(1) the layout and design of the house would have an adverse impact on the protected structure and protected trees and (2) lack information demonstrating safe access and lack of information regarding impact of driveway on protected trees.

Adjoining sites within Violet Hill

There are a large number of applications relating to the overall Violet Hill site the most recent and relevant are outlined below:

Reg. Ref. 23/60035: Permission was granted in 2023 for the retention of internal alterations to a protected structure, 2 no. sheds and a chicken coop at Amber. This decision is currently on appeal, ABP. 317559-23.

Reg Ref: 22/1102: Permission was granted in 2023 for a single storey extension to Amber and all associated site works. This decision is currently on appeal ABP 317733-23.

ABP 314979-22, Reg. Ref. 22/151: Permission was granted in 2023 for the demolition of existing single-storey rear extension and construction of new single-storey rear extension, attic conversion, restoration of roof, new stairs from first floor to attic and all associated site works at Mandalay, Violet Hill House.

ABP 315055-22, Reg. Ref. 22/1013: Permission was granted in 2023 for the conversion of existing attic to habitable space, restoration of roof, new roof structure and new stairs from first floor to attic and all associated site works at Mandalay, Violet Hill House.

ABP 311675-21, Reg Ref: 21/988: Permission was refused in 2022 for a single storey extension to Amber and all associated site works. The 2 no. reasons for refusal related to (1) due to the lack of information regarding the layout, extent and disposition of existing residential units within Violet Hill House (Protected Structure) the Board was not satisfied that the proposed development would not seriously injure the visual and / or residential amenities of adjoining dwellings and (2) by reason of form, materials and design the extension would have a detrimental impact on the architectural character and setting of the protected structure.

5.0 Policy Context

5.1. Bray Municipal District Local Area Plan 2018-2024

The appeal site is zoned RE Existing Residential with the associated land use objective to *protect, provide and improve residential amenities of existing residential areas*. The aim of this zoning objective is to provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity.

The record of protected structures in Bray list Violet Hill – Structure (Ref. B25). Chapter 9 Built and Natural Heritage sets out objectives and standards for architectural heritage. The following objectives are considered relevant.

AH1 To ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures

AH2 To positively consider proposals to improve, alter, extend or change the use of protected structures so as to render them viable for modern use, subject to consultation with suitably qualified Conservation Architects and / or other relevant experts, suitable design, materials and construction methods. All development works on or at the sites of protected structures, including any site works necessary, shall be carried out using best heritage practice for the protection and preservation of those aspects or features of the structures / site that render it worthy of protection. To support the re-introduction of traditional features on protected structures where there is evidence that such features (e.g. window styles, finishes etc) previously existed, while not compromising the need for energy conservation.

5.2. Wicklow Development Plan 2022 - 2028

Appendix 1 of the development plan sets out development and design standards.

The following objectives are also considered relevant:

CPO 8.13 To ensure the protection of all structures, items and features contained in the Record of Protected Structures.

CPO 8.14 To positively consider proposals to alter or change the use of protected structures so as to render them viable for modern use, subject to architectural heritage assessment and to demonstration by a suitably qualified Conservation Architect / or other relevant expertise that the structure, character, appearance and setting will not be adversely affected and suitable design, materials and construction methods will be utilised.

5.3. **Section 28 Guidelines**

- Architectural Heritage Protection Guidelines, 2011

5.4. **Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designed site.

6.0 **The Referral**

6.1. **Referrer's Case**

The referral submitted on behalf of Maria Gallen is summarised below:

- There is no objection in principle to the removal of the paint, however, this should be subject to planning permission or a section 57 declaration in order that the fabric is not damaged in anyway and that any such works be carried out by a specialist an under supervision of an appropriate expert.
- The planning authority have misinterpreted the application of section 57(1) of the Planning and Development Act. The merit of removing the paint is not a consideration, the legislative test that applies is whether it would materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or neighbouring structures.
- The removal of paint from a protected structure consists of works and is therefore development in accordance with Section 2 of the Planning and Development Act.
- The removal of paint results in a patchwork of painted and unpainted facades on the protected structure with a significant visual impact so as to render the appearance inconsistent with the character of the structure and neighbouring

structures and therefore is not exempt in accordance with the provisions of Section 4(1)(h) of the Planning and Development Act.

- The NIAH illustrates that the overall property was painted cream. The structure was built with brick and stone face and was subsequently painted, more than 5 decades ago. The brickwork was painted due to its very poor condition and the cost to repair and repoint was regarded a prohibitive.
- The removal of paint from only a portion of the building creates a patchwork effect which damages the architectural integrity of the building.
- When the building was placed on the record of protected structures it was painted cream.
- Concerns regarding the method to remove the paint and the quality of the resulting brick / pointing that is exposed.
- The Architectural Heritage Guidelines and 'Bricks a guide to the repair of historic brickwork' provide guidance for the removal of paint / cleaning of brickwork.
- The planning authority erred in not considering the method of removal of the paint and the resulting impact on the exposed brick.
- The removal of paint does not accord with Objectives CPO 8.13, 8.14 and 8.15 of the development plan.
- A previous application for an extension to a property in Violet Hill included the removal of paint demonstrating that such works require permission.
- The removal of paint could lead to a precedent of unsupervised or inappropriate removal of paint from other parts of the protected structure.
- Examples of planning permission being applied for to remove paint and / or repair brickwork on protected structure are included in Section 9.2 of the referral.

6.2. Planning Authority Response

None

6.3. Owner/ occupier's response

The submission from Dalippe and Ann Marie Laloo, the owners of Violet Hill House is summarised below:

- Disagree that the removal of paint renders the appearance of the building inconsistent with its own character. The removal of the paint and exposure of the original brickwork comes within the provisions of Section 4(1)(h) and Section 57 of the Planning and Development Act.
- This is a third-party Section 5. It is considered to be vexatious, frivolous and made with the intention of causing nuisance.
- Violet Hill House comprises 75% of the original house and 50% of the grounds. Mandalay comprises the remaining 25% house the original house. Amber and the Gallery apartments were added to the building at a later date and do not form part of the original house.
- There is a vast difference between the external treatment of the original house and the extension which contains Amber and The Gallery.
- Violet Hill House was designed by William Fogarty in red brick, incorporating polychrome brickworks, which has now been revealed for the first time since the building was erroneously painted in the 1970's. It is unclear if this was before or after it was entered into the record of protected structures.
- It was never intended that the house would be painted.
- The painted and limewashed exterior walls were already inconsistent with the character of the building by virtue of the fact that all chimneys were red brick.
- The limewash and paint were in a state of disrepair. Photographs are included in the submission. if the main house had stayed painted the deterioration would have been on-going and the owners would be in breach of their duty to care for the protected structure as set out in Section 58 (1).
- The removal of the paint benefits the fabric of the building.
- Due to the fact that the limewash was applied it had to be removed in a manner that would gently remove it. the limewash and paint were removed with a very soft glass bead under low pressure. The reason that the limewash required

abrasive removal with an abrasive that would not damage the underlying brick, this has been successfully achieved.

- The applicant appears to be unaware that the building was limewashed. The removal of paint would have been an easier task.
- The brickwork was at risk from freeze and thaw damage due to water lodging in behind the limewash and causing damage. The brick work came out in exceptional condition.
- There is extensive tree cover on the overall site which prohibits viewing of the building in its entirety.
- The Gallery (the referrers property) is painted a deeper cream colour than the original main house and as such is a patchwork in itself.

6.4. Observation

6.4.1. An observation was received from Daniel Gallen, who resides at The Gallery, in support of the appeal. Concerns raised in the referral that were not raised in the appeal are summarised below:

- Principally concerned with the potential effect of the paint removal on the structure, if considerable repair work is not now undertaken.
- Other owners in the building may follow this procedure, without the necessary permissions and supervision.
- Concerns regarding the overall aesthetic. There is no intension to remove the painted exterior to The Gallery.
- No consultation with other residents in Violet Hill House.
- The Gallery is the principal part of the west wing of the house and is highly visible to the public when approaching the main house.

6.5. Further Responses

Referrer's Response to the Owners Response

A submission from the Referrer, Maria Gallen, in response to the submission from Dalippe and Ann Marie Lalloo is summarised below:

- The referrer is a resident in The Gallery for 40 years and is genuinely concerned about guarding the unique character and design of the important protected structure.
- The northern end of the house, which contains Amber and The Gallery is not of lesser importance. The opposite is true since the north end of the house demonstrates the emergence of the Arts and Crafts principles much more than the southern end of the house.
- The entire structure and its curtilage are protected in legislation.
- The eastern end was built slightly later. However, it was constructed in the 19th century and many of the internal and external features mirror that of the rest of the building. This section may also have been completed by William Fogarty.
- Amber and The Gallery are not vastly different to the remainder of the building. They are predominately finished in red brick.
- The building was painted in 1973, this is confirmed in the sales brochure. The structure first appeared in the record of protected structures in 1999.
- The shades of cream paint are not relevant as different owners over long period of time have had control of their individual properties.
- The presence of limewash suggests the poor historic condition of the brick work and like paint would have been used to slow the deterioration of the brick.
- The removal of the paint without any planned restoration works could expose damaged brickwork to the elements, which could erode at an accelerated rate with implications for the structural stability of the building, and issues such as dampness. This could be exacerbated if other unit holders also removed the paint, and a full subsequent restoration is not undertaken.

- The owners have not submitted a Conservation Report or technical report of how the paint and limewash was removed. No information is provided regarding re-pointing or that the mortar used for re-pointing has a similar performance characteristic to the original mortar used. This is critical to the integrity of the protected structure.
- Appendix 1 of the submission includes details of planning and enforcement history within Violet Hill.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000

In **Section 2 (1)** of the Act “works” are interpreted as including “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”.

Section 3(1) of the Act states the following in respect of ‘development’: “In this Act, ‘development’ means, except where the context otherwise requires, 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.”

Section 4(1) of the Act states that ‘the following shall be exempted developments for the purposes of this Act—

(h) 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’;

Section 57 relates to works effecting the character of a protected structure or a proposed protected structure. Section 57 (1) states that Notwithstanding *section 4 (1)(h)*, the carrying out of works to a protected structure, or a proposed protected

structure, shall be exempted development only if those works would not materially affect the character of

- (a) the structure, or
- (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

7.2. Other Board Referrals

ABP 304774-19: Whether the decorative works to the front elevation of the Royal Irish Yacht Club, Harbour Road, Dún Laoghaire is or is not development and is or is not exempted development.

The Board concluded that the painting of all walls within the entrance portico of the building a blue-grey colour would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure, and would materially affect the character of the Royal Irish Yacht Club protected structure, the uniform off-white paint finish to the exterior is an element of the structure which contributes to its special architectural interest. The works resulted in a material change of use that would not come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000 (as amended). Therefore, the works were development and were not exempted development.

8.0 Assessment

- 8.1. It should be noted that the purpose of a referral is not to determine the acceptability or otherwise of the proposed works in respect of the proper planning and sustainable development of the area, but rather to determine whether or not the matter in question constitutes development and if so falls within the scope of exempted development.

8.2. Is or is not development

- 8.2.1. Works are defined under Section 2(1) of the Planning and Development Act, 2000 (as amended) 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 or exterior of a structure”.

8.2.2. Development is defined under Section 3(1) as except where the context otherwise requires 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...,

8.2.3. Therefore, having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended) it is considered that the removal of paint from the exterior of the protected structure would constitute development under the above provisions of the Act.

8.3. Is or is not exempted development

8.3.1. Having established that the proposed works is ‘development’ as defined by the Planning and Development Act, 2000 (as amended) it must be determined whether or not such development constitutes exempted development.

8.3.2. Section 4(1)(h) of the Act states that 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.

8.3.3. This is subject to Section 57 of the Act which relates to works effecting the character of a protected structure. Section 57 (1) states that notwithstanding *section 4 (1)(h)*, the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of -

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

- 8.3.4. Section 4.12.3 of the Architectural Heritage Guidelines notes that works which would materially alter the character of the exterior of a building may include inter alia the painting of any previously unpainted surface.
- 8.3.5. The question at issue is whether or not the removal of paint from the exterior of Violet Hill House materially affects the character of (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.
- 8.3.6. The original house was previously subdivided into 4 no. residential units, in this regard Violet Hill House, Mandalay, Amber and Gallery. In response to the referral the owner notes that Violet Hill House (the subject of this referral) comprises 75% of the original house and 50% of the grounds. Mandalay comprises the remaining 25% house the original house. Amber and the Gallery apartments were added to the building at a later date and do not form part of the original house.
- 8.3.7. The Referrer and the Observer consider that as Violet Hill House forms part of a larger protected structure and that the removal of paint from a portion of the house creates a patchwork effect which damages the architectural integrity of the building. Therefore, the development is not exempted development as the removal of paint from the external walls of Violet Hill House renders its appearance inconsistent with the character of the structure of the overall protected structure.
- 8.3.8. While Violet Hill House incorporates 4 no. residential units it is a single protected structure (Ref. B25). The house is also listed on the NIAH with a Regional rating. The house is described as a multiple bay, 2-storey former country house built in 1862 which is still an important asset to the architectural heritage of the area. NIAH description of Violet Hill House (Ref. 16400702) notes that the building is constructed in brick with stone block and start dressings all of which is now painted. The Referrer and the Owner all consider that the protected structure was painted in the 1970's. Therefore, the original finish to the protected structure was red brick. The NIAH appraisal also noted that *although somewhat spoiled with the painting of the brickwork and the sub-division into nine apartments, this is still an important asset to the architectural heritage of the area*. The owner considers that it was never intended that the house would be painted. The Referrer has stated that the house was painted in the 1970's to protect

the brick from deterioration. This is noted, however, in my view the painting of the house is contrary to the guidance set out in the Architectural Heritage Guidelines, which notes that works which would materially alter the character of the exterior of a building may include inter alia the painting of any previously unpainted surface.

- 8.3.9. During my site visit on the 11th June 2024 it was noted that all external walls of Violet Hill House (the subject site) are finished in a red brick and that the front and rear elevations incorporate polychrome brickworks, which creates a decorative pattern on these external elevations of the house. The vast majority of the elevations of Mandalay, Amber and The Gallery, that were visible during my site inspection, were painted in a cream coloured. It was noted that there is also a red brick feature running around the eaves of the ground floor element of the roof of Amber, the ground floor apartment at the eastern elevation of the protected structure. The chimneys of the protected structure are also finished in a red brick. I agree with the owner that there is a slight variation in the cream colour used on the different residential properties within the overall protected structure. There was also some evidence of minor peeling and cracking to the exterior paint work.
- 8.3.10. The Referrer has also made reference to the method used to remove the paint from the protected structure. As noted above, a referral is not to determine the acceptability or otherwise of the works in respect of the proper planning and sustainable development of the area, but rather to determine whether or not the matter in question constitutes development and if so falls within the scope of exempted development. Notwithstanding this, having carried out a visual inspection the brickwork appears to be in good condition with no obvious signs of damage or disrepair.
- 8.3.11. Having regard to the information available on the file, on the NIAH website and the decorative polychrome brick work on the exterior of the building it is my view that original intention was that the house would not be painted and that the paint was added as at a later date, mostly likely in the 1970's as referred to by both the Owner and the Referrer. Therefore, the original external finish comprised the currently exposed red brick at Violet Hill House. I agree with the assessment of the planning authority that the original brickwork is part of the essential character of the original building and that the act of removing the paint to expose the original brickwork does not in itself materially affect this original brickwork and, therefore, there is no impact on the

character of the structure. It is also my view that the original brickwork is an element of the structure which contributes to its special architectural interest.

- 8.3.12. I am satisfied that the removal of the paint would come within the provisions of Section 57 (1) of the Planning and Development Act as the works do not materially affect the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.
- 8.3.13. Section 4(1)(h) of the Act states that 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.
- 8.3.14. As outlined above, I am satisfied that the removal of paint from Violet Hill House does not materially affect the external appearance of the structure, so as to render the appearance inconsistent with the character of the overall protected structure.
- 8.3.15. With regard to neighbouring structures, the former stables and coach house within the curtilage of the protected structure have been converted to residential use. There are a total of 9 no. residential units within the overall Violet Hill site. Given the large size of Violet Hill there are no other neighbouring properties. The former stables and coach house buildings are generally located to the south- east of the protected structure (Amber and The Gallery). These buildings are single and 2-storeys in height and smaller in scale to the main house. The elements of the houses that were visible during my site visit on the 11th June 2024 were finished in a red brick. Given the unique character, the size and scale of the protected structure and its curtilage, the external finish of ancillary buildings within the curtilage of the protected structure and the protected structures set back from the surrounding modern suburban housing estates I am satisfied that the removal of paint from Violet Hill House does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures.

8.3.16. In conclusion, it is my opinion that the removal of the paint to external walls of the protected structure which was added in the 1970's would come within the provisions of Section 4(1)(h) and Section 57(1) of the Planning and Development Act as the works would be works of an alteration 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 neighbouring structures, and does not materially affect the special architectural interest of this element of the structure.

9.0 Recommendation

9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the removal of paint from part of a protected structure at Violet Hill House, is or is not development and is or is not exempted development.

AND WHEREAS Maria Gallen requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 21st day of December, 2023 stating that the matter was development and was exempted development

AND WHEREAS Maria Gallen referred this declaration for review to An Bord Pleanála on the 10th day of January, 2024

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,

(d) Section 57 (1) of the Planning and Development Act, 2000, as amended,

(e) the planning history of the site,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The works constitute development within the meaning of Section 3 of the Planning and Development Act 2000
- (b) The removal of paint from the exterior of part of a protected structure would not materially affect the structure, or any element of the structure which contributes to its special architectural interest and, therefore, the works are exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the removal of paint from part of a protected structure is development and is exempted development.

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.

Elaine Power

Senior Planning Inspector

17th June 2024