

Cath Crimmins Architect

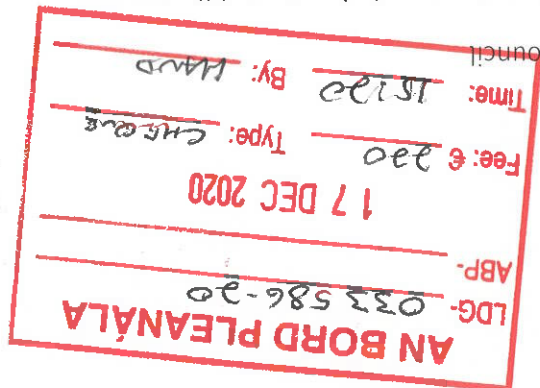
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An Bord Pleanála
1 Marlborough Street
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17 December 2020

Dear Sir / Madam



On behalf of our clients, Dominic Little and Robert McCullagh of [redacted], we wish to appeal the Declaration on Development and Exempted Development (Section 5) Ref 10220 issued on 23 November in respect of works to their house. I enclose a cheque for €220.00 as a fee for the appeal.

A previous structure to the rear of the house which was exempted development was modified. The pertinent points are

a) that the modifications would be exempt if the house were not a protected structure but as the works do not affect the character of the protected structure they are therefore exempt.

a) The alterations to the form of the roof and wall construction would be exempted development (if the building were not a protected structure) as per Section 4(1)(h) and noted in the planner's assessment (hand noted REF 114/20). The works were carried out "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 of the structure inconsistent with the character of the structure or of neighbouring structures"

The works which are clearly an improvement over an unsafe previous structure are not inconsistent with the character of the structure nor of neighbouring structures, being of higher quality and more robust materials than the previous PVC conservatory structure and being surrounded by many similar returns which are larger and built of similar materials. There is no change to the footprint nor to the overall height, no change of use, no potential nuisance to neighbours, no alteration of the character of the main house or its immediate environment. The replacement structure is discreet, smaller indeed than many of the several extensions that have recently been erected in the neighbouring gardens.

b) Regarding the fact that the house is a protected structure, Section 57 states that notwithstanding Section 4(1)(h) of the Act, "the carrying out of works to a 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, artistic, cultural scientific, social or technical interest"

It is quite clear that the replacement of the PVC conservatory with a masonry construction does not materially affect the character of the structure nor any element of the structure which contributes to its special architectural, historical, artistic, cultural, scientific, social or technical interest. Should the original conservatory have been built with the house or soon thereafter, one could appreciate the conservation officer's concern regarding its replacement but this is clearly not the case. This does not seem to have been considered in the planners report.

Time: _____ BA: _____
Fee: € _____ Tab: _____
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AM BORD BULGARIA

It is notable that nobody from the council, neither enforcement officers, planning inspectors nor anyone from the conservation division has visited the site where the modest nature of the alterations is obvious. I believe that such an inspection would show that the alterations to the structure when compared to the previous PVC structure as described in the Section 5 application would be deemed as exempted development.

Yours sincerely



Neil Crimmins Barch, MUBC, MRAl, Grade 1 Conservation Architect

for and on behalf of

Cathal Crimmins Architect

