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15<sup>th</sup> March 2021

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1



**ABP Ref.:** ABP-309407-21

**PA Ref.:** 12320

**Question:** Whether cladding applied to front of house materially altering the appearance and leaving it jutting out of the adjoining semi-detached premises is or is not development or is or is not exempted development?

**Location:** 16 Beech Park Avenue, Foxrock, Dublin 18

**ABP Letter:** 15<sup>th</sup> February 2021

**Reply By:** 15<sup>th</sup> March 2021

## SECTION 129 RESPONSE TO REFERRAL

Dear Sir or Madam,

We act on behalf of *Michael O'Malley*, [REDACTED], who is the owner of No. 16, Beech Park Avenue, Foxrock, Dublin 18 – the property subject of the referral submitted to your office by Thomas Clarke of 17, Beech Park Avenue, Foxrock, Dublin 18. We have reviewed the local authority decision and the referral, and we have inspected the subject property and its environs. The Board is invited to confirm the local authority decision that the works at No. 16, Beech Park Avenue constitute exempt development in accordance with section 4(1)(h) of the Planning and Development Act 2000 (as amended).

The key consideration is whether or not the works 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? It is submitted and the Board is invited to agree that the external insulation added to No. 16 does not materially alter the external appearance of the structure so as to render the appearance inconsistent with the character of No. 16 or of neighbouring properties.

Addressing the character of No. 16 first, it is evident that it remains wholly consistent with the character of a two storey semi-detached dwelling. The external insulation hasn't altered the size, scale, nature or extent of the residential property and it should be noted that the windows, front door and garage door all remain unchanged. If our client painted the entire front elevation, it would similarly change the appearance of the house but it would not materially change its character. The appearance and character of No. 16 remains unmistakably that of a semi-detached dwelling albeit with an updated elevation that will significantly improve its thermal qualities.

Prior to carrying out the works at No. 16, there were differences in the design and appearance of the referrer's dwelling and our client's dwelling including different window styles, a converted garage (at No. 17), and a sliding patio door versus a recessed door. These and other differences are repeated up and down Beech Park Avenue without materially affecting the character of the houses or the road.

Addressing the character of the wider Beech Park Avenue, a site inspection will confirm that as stated in the planning officer's report, there is a variety of finishes to the exterior of houses at Beech Park Avenue. The Board is referred to the 12 no. photographs attached that confirm more than half of the 30<sup>1</sup> no. dwellings in the cul de sac with different materials, finishes, extensions, fenestration, etc. The following table summarises the principal differences, which the Board's inspector can confirm during a site visit:

Design Features	Elevation Finishes
Different windows e.g. Nos. 24, 25 & 26	Pebble dash (including new brighter finish at No. 22)
Porch Extension (No. 27)	Red Brick (including painted brick at No. 25)
Garage Conversions with flat (Nos. 2, 4, 5, 17, 18, 19, 25, etc.) and pitched roofs (Nos. 3 & 26)	Cement Render (unpainted and painted in various colours)
Dormer Window at Roof Level (No. 27)	Smooth Stone (including painted stone at No. 14)
Sliding doors to porches (Nos. 2, 3, 25) and a garage conversion (No. 18)	Rough Stone
Bay Window (No. 3)	

Notwithstanding the variety of external finishes and different design features, the 30 no. dwellings at Beech Park Avenue are compatible in terms of their overall character and appearance being two storey detached or semi-detached dwellings with pitched roofs, front gardens with off street car parking, consistent building lines, overall height, mass, scale, etc. The variety of external finishes does distinguish the dwellings from one another but not to the extent that it would render the appearance of any dwelling, including our client's property, inconsistent with the character of the structure or of neighbouring structures.

In addition to the variety of external finishes, No. 16 is adjacent to the turning circle cul-de-sac that comprises 7 no. detached dwellings, so there is a transition at this point from semi-detached (Nos. 17 & 16) to detached dwellings (No. 15, 14, etc.). This transition, which broadens the variety of finishes within Beech Park Avenue, is shown on photo No. 12 attached from which the Board is invited to agree that the external insulation does not affect the appearance of No. 16 such that it would be inconsistent with its character or the character of neighbouring properties that includes No. 15 Beech Park Avenue.

Finally, the referral includes pictures of houses in Coolock and Rathfarnham that do not appear to have any relevance to the question before the Board and the alleged issue of increasing the floor area of the house can be discounted; we can confirm that hasn't occurred at No. 16 and it hasn't been a consideration in other comparable referral cases that have gone before the Board.

<sup>1</sup>

Beech Park Avenue cul de sac would appear to have been initially developed as 29 no. dwellings; No. 30 was added on foot of planning permission 93A/1338

Having regard to the above and the attached photographs, the Board is requested to dismiss the referral and confirm the decision of the local authority that the external insulation is exempt development.

Please acknowledge receipt of this response and direct all future correspondence to Kieran O'Malley & Co. Ltd.

Regards,

  
Raymond O'Malley

Kieran O'Malley & Co. Ltd.

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Enclosure      1.      12 no. photographs



Photo No. 1: [REDACTED] has constructed a front porch and conversion plus an extension of the garage and converted the attic with a side facing dormer window. It has a painted render finish at ground and first floor levels and it has amended the window design. While all this work took place on foot of planning permissions D10A/0084 and D15B/0270, the amendments to the front elevation were not considered to be inconsistent with the character of the house or other dwellings at Beech Park Avenue.

Note: The car registration plates have been blacked out in all photos.



Photo No. 2: [REDACTED] (on the left hand side - LHS) has painted over the brickwork, added a sliding porch door and changed all the windows. No. 26 to the right hand side (RHS) has converted the garage, added a pitched roof and has a painted render finish at first floor level.



Photo No. 3: No. 21 on the LHS has added a porch door and also has a non-painted render finish to the walls above the garage plus there is a fuel tank on the roof of the garage. No. 22 on the RHS has converted the garage and extended at first floor level above the garage. The new/additional pebble dash at first floor level is different in colour and appearance to the older pebble dash – it is brighter like our client's at No. 16.



Photo No. 4: No. 1 on the far LHS has extended above the garage; No. 2 in the centre has converted the garage and painted the concrete render wall above the garage, whereas No. 3 on the RHS has converted the garage with a bay window, added a pitched roof and omitted a first floor window.



Photo No. 5: These are Nos. 4 and 5 and both have converted the garage but both also use different finishes at first floor level – pebble dash and painted render.



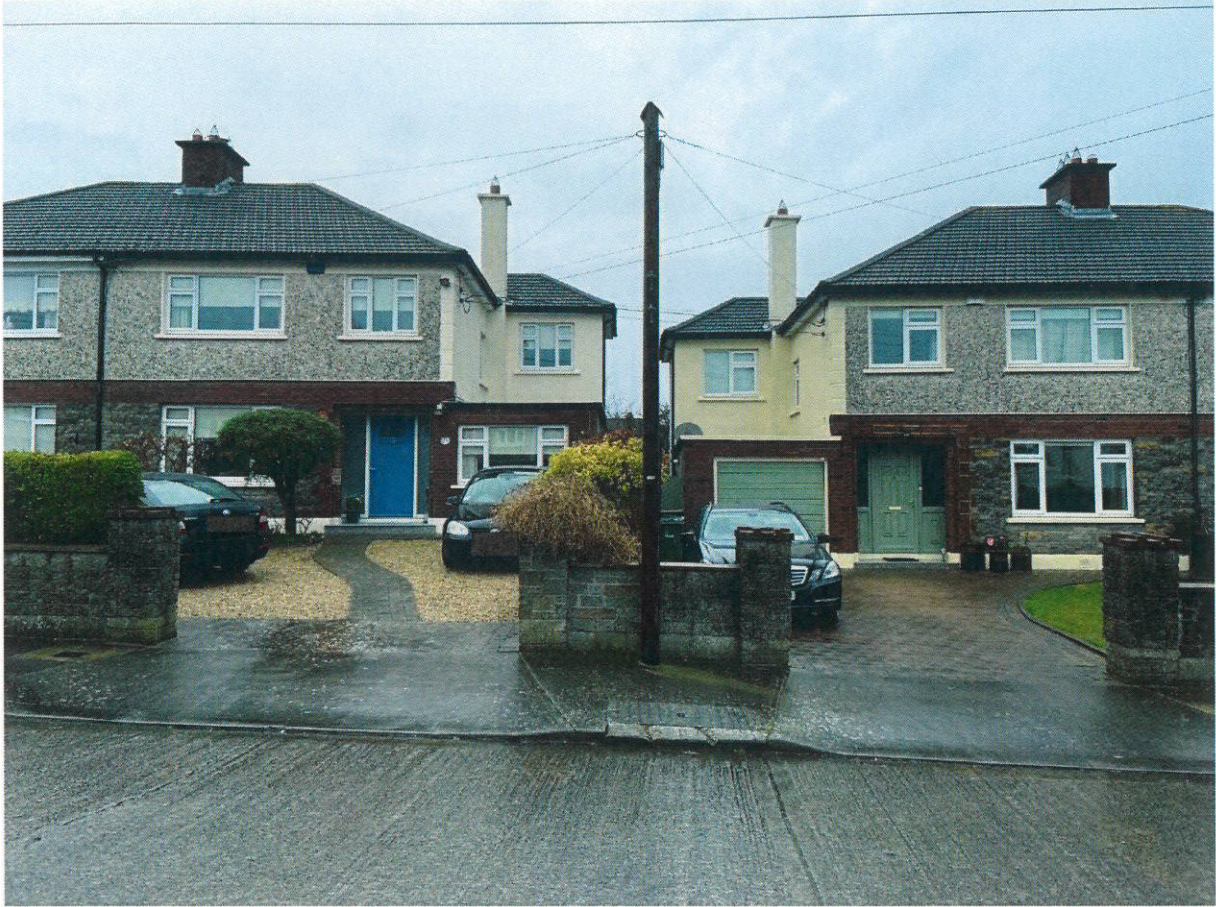


Photo No. 6: Nos. 19 (LHS) and 20 (RHS) – both has painted render finish in different colours. No. 19 has converted the garage.



Photo No. 7: Nos. 17 (LHS) and 18 (RHS) – both have converted the garage but with different window treatment/elevation treatments and at first floor level both are different with pebble dash at No. 17 and bare concrete render at No. 18.



Photo No. 8: From right to left, these are [REDACTED] – our client's property is just out of shot to the right (see Photo No. 12 below). These form part of a turning circle/[REDACTED] detached dwellings at Beech Park Avenue. These properties do not have any pebble dash or red brick finishes; instead they are render and stone finish. The window sizes and fenestration on these houses is different to our client's property, which adjoins No. 15 on the RHS. The Board will note there are difference in fenestration and windows sizes between the four houses pictured above.



Photo No. 9: This is N [REDACTED] Avenue and on close inspection, the Board will note that the stone finish on part of the ground floor elevation has been painted over as part of a 'make-over' of the entire front elevation of the house.



Photo No. 10: The stone finish on [REDACTED] on the RHS is evident as is the different window sizes and fenestration.



Photo No. 11: This appears to be a two storey timber structure within the side garden of No. 11.



Photo No. 12: No. 16 is the second house from the right with the silver car. There has been no change to the size, height, scale or extent of the two-storey semi detached dwelling nor has there been any change to the use of the property, which remains in residential use. As demonstrated on the foregoing photographs, there is a variety of finishes at Beech Park Avenue and various iterations of garage conversions, roof profiles, and first floor extensions. The external insulation does not render the appearance of No. 16 inconsistent with the character of No. 16 or adjoining structures.