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22nd February 2021

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANÁLA	
LDG-	036220-21
ABP-	
22 FEB 2021	
Fee: €	220
Type:	Cheque
Time:	13:25
By:	Hand

Ref. No.: 125/20
Question: Are the roof repair works comprising re-slating the side (east) aisle of the Church of the Assumption (a protected structure) exempt development?
Decision: 26th January 2021
4 Weeks: 22nd February 2021

SECTION 5 REFERRAL

Dear Sir or Madam,

This is a section 5 referral on behalf of *Reverend Gerry Kane PP, 52 Booterstown Avenue, Blackrock, Co. Dublin* in respect of roof repair works at The Church of the Assumption (a protected structure), Booterstown Avenue, Co. Dublin. We attach a cheque for € 220 in respect of the referral fee and a copy of the Council's declaration decision. This referral is accompanied by a report by Tara Cooke Grade 3 Conservation Architect that addresses the issues raised by the conservation officer and planning officer in the Council's determination of the declaration.

The planning authority and conservation officer have taken issue with the issue of Spanish slates and determined that the colour of said slates would materially change the character and appearance of the protected structure and thus the works are not exempt development. Our client disagrees with the Council's assessment and accordingly refers the declaration to An Bord Pleanála to determine.

The attached conservation assessment by Tara Cooke conclusively addresses the conservation issues raised by the Council and it is summarised as follows:

- (i) The original slates were no longer fit for purposes and not more than 15% of them were salvaged, which were not suitable for re-use.
- (ii) The key point in considering the impact of the works on the protected structure is whether the colour of the slates used is significant enough to materially change the character and appearance of the Protected Structure.
- (iii) The planning officer appears to have misunderstood comments in the declaration vis a vis thickness and size of the slates.

- (iv) Any difference in the size and thickness of the slates is unlikely to be noticeable and would have a minimal to negligible effect.
- (v) Although the repair involved re-slating of one side aisle roof, it is a relatively small area in the overall context of the church building and adjoining buildings that are protected structures.
- (vi) There is acceptance in guidance documents of the reality that at some stage roofs are likely to require re-slating that includes by default an acceptance of some change in the initial appearance of the roof covering.
- (vii) Slates are a natural material that weather with exposure to the elements over time developing a patina and this aging process is both what makes the matching in process difficult and a potential remedy, where if given time the weathering of new slates will diminish any initial differences between new and old.
- (viii) The satellite image on Google Maps shows that the slates on the main roof of the Church have a consistent and darker colour compared to the slates over the east aisle - the replacement slates are consistent with in terms of colour with those slates.
- (ix) It is accepted that there is a difference in colour, but it is not accepted that this would constitute a change that would materially affect the character or appearance of the Church. Further, it is to be expected that given time to weather the appearance of the new slates will become less obvious.

It is not realistic to compare over 100 years of weathering and colour of slates with new slates. Whether our client used Welsh slates, Irish slates or Spanish slates, the colour of new slates would be different and darker, consistent with the slates used and the colour of the slates on the main roof of the church. The Council didn't appear to consider compatibility of the replacement slates with the slates on the rest of the church roof, which also contribute to the character and appearance of the building. There are clear similarities between the slates that support our client's position that the replacement slates are exempt development.

Further, the roof repair works that were urgently required, did not alter the extent of slate covering at the Church, it did not alter the size or pitch of the roof over the east aisle, and like for like natural slate materials were used. In time, the replacement slates will weather and age as would be expected from a natural material such as slate. It is submitted to the Board that re-slating the side (east) aisle of the Church of the Assumption (a protected structure) has not and will not materially affect the character and appearance of the Church and it is therefore exempt development.

In addition to the above and attached report, the Board is referred to two other declaration decisions previously issued by Dun Laoghaire Rathdown County Council at Dalkey DART Station (ref. 11811) and at The Select Vestry of St. Philip and St. James, St. Philip and St. James Church, Cross Avenue, Blackrock, Co. Dublin (ref. 7213). At Dalkey, the proposed works included "*the complete re-slating and repair of the roof*" whereas at Cross Avenue it included "*for repairs to the roof over the Nave of the Church*". Both cases are not dissimilar to our clients in that they relate to re-slating all or part of a roof of a protected structure.

The Board is referred to the attached images in Appendix I from Google Streetview of Dalkey DART station; the first is from July 2009 and the second from October 2019 i.e. before and after the subject works. A review of that declaration will confirm that the proposed replacement slates were "Welsh Slates" and they were deemed acceptable by the Council and the conservation officer. Our client has no issue with the works

that took place but it is clear from the images that the use of new Welsh Slates are very different in colour to the replaced slates. Notwithstanding that colour difference, which of course will weather over time, the Council issue a declaration that the works were exempt development.

We also attach images of the Church at Cross Avenue, Blackrock. The first image is from 2009 and shows the roof before the works were undertaken – a red arrow is added to identify the church. The second image is late 2010's post the carrying out of the roof repair works. Again, our client has no issue with the work that was undertaken at Cross Avenue but again the before and after images illustrate the colour difference between new and old slates at Cross Avenue. Again, notwithstanding the clear colour difference, the Council issued a declaration that the works were exempt development.

It is this colour difference that the Council has based its decision to reject our client's declaration. As previously stated, the colour of any new slate is going to be darker or different than one that is over 100 years old and exposed to weathering. The use of new slate that are clearly different in colour at Dalkey DART station was not considered to materially change the character and appearance of the building and likewise at Cross Avenue where the works comprised new slate on one side of the church roof. The Council's decision at Booterstown Parish is inconsistent with these declaration decisions that relate to comparable developments. It is unreasonable and unsustainable for the Council to adopt a contrary position at Booterstown Avenue solely based on the colour difference of new slates when it has been declared elsewhere that the colour of new slates would not materially affect the character or appearance to render re-slating as not exempt development.

The section 5 referral question to the Board is as follows:

Are the roof repair works comprising re-slating the side (east) aisle of the Church of the Assumption (a protected structure) exempt development?

For the reasons set out above and in the attached report, it is submitted and the Board is invited to agree that roof repair works comprising re-slating of the side (east) aisle of the Church of the Assumption (a protected structure) are exempt development in accordance with Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Please acknowledge receipt of this section 5 referral and direct all future correspondence to our office.

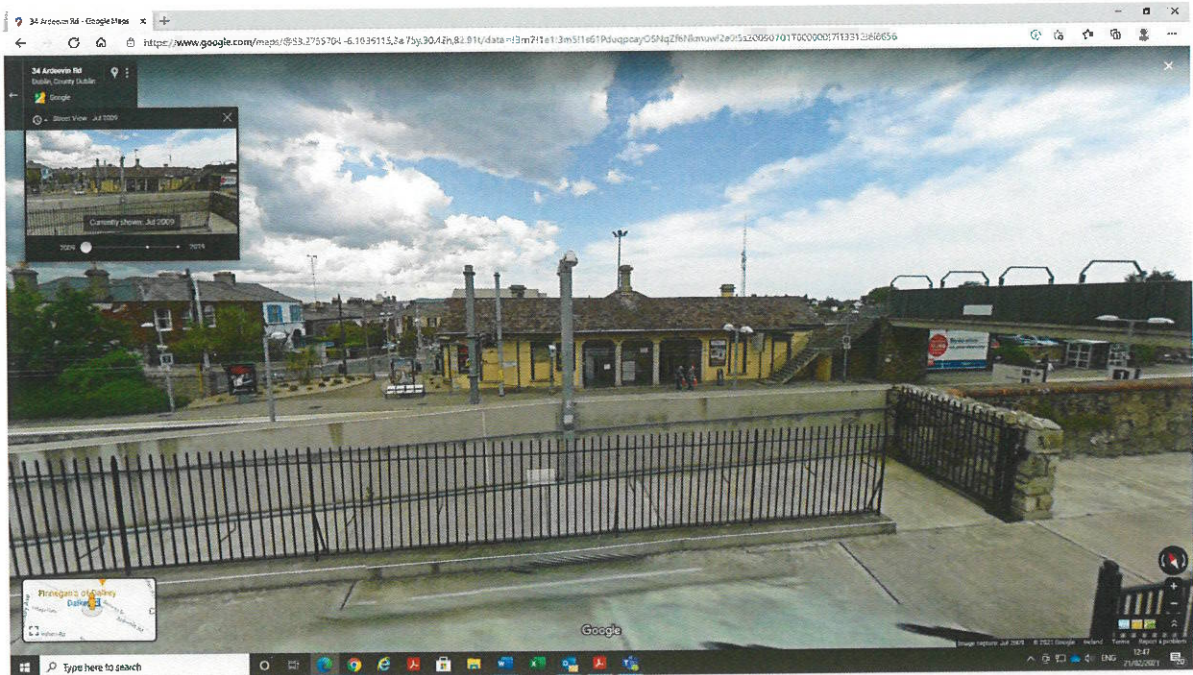
Regards,


Raymond O'Malley

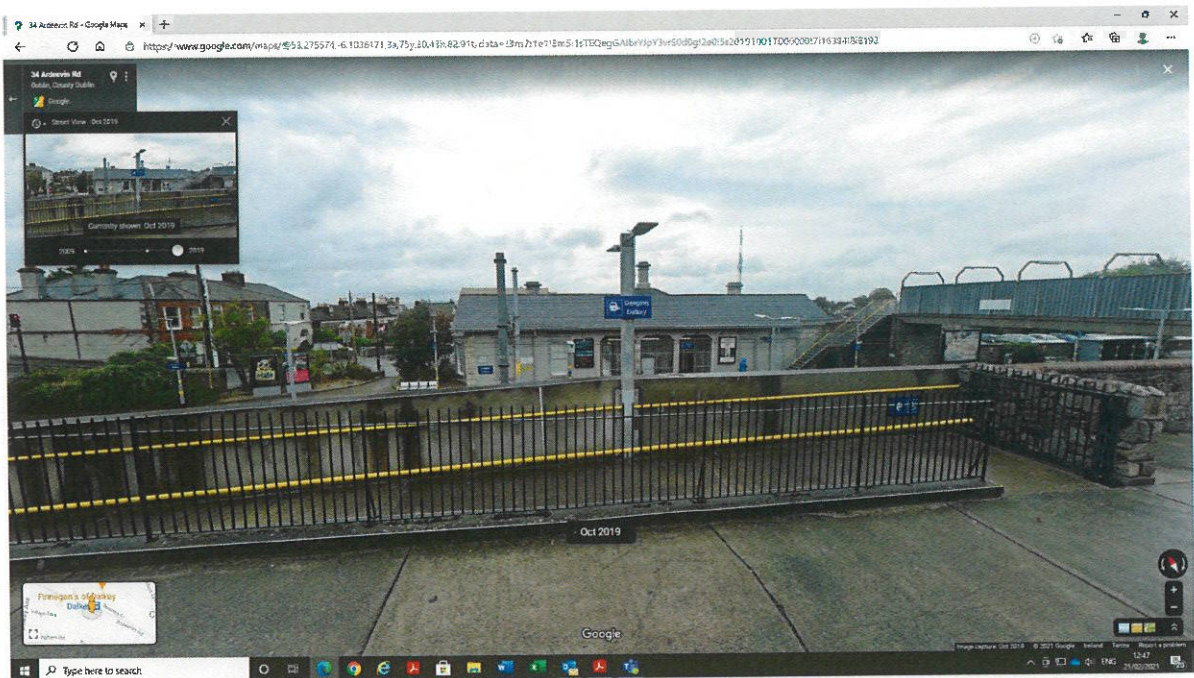
Kiaran O'Malley & Co. Ltd.

ROM: rom

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|------------|----|---|
| Enclosures | 1. | A cheque for € 220 in respect of the statutory fee. |
| | 2. | A copy of the local authority declaration decision. |
| | 3. | A copy of Tara Cooke Report. |

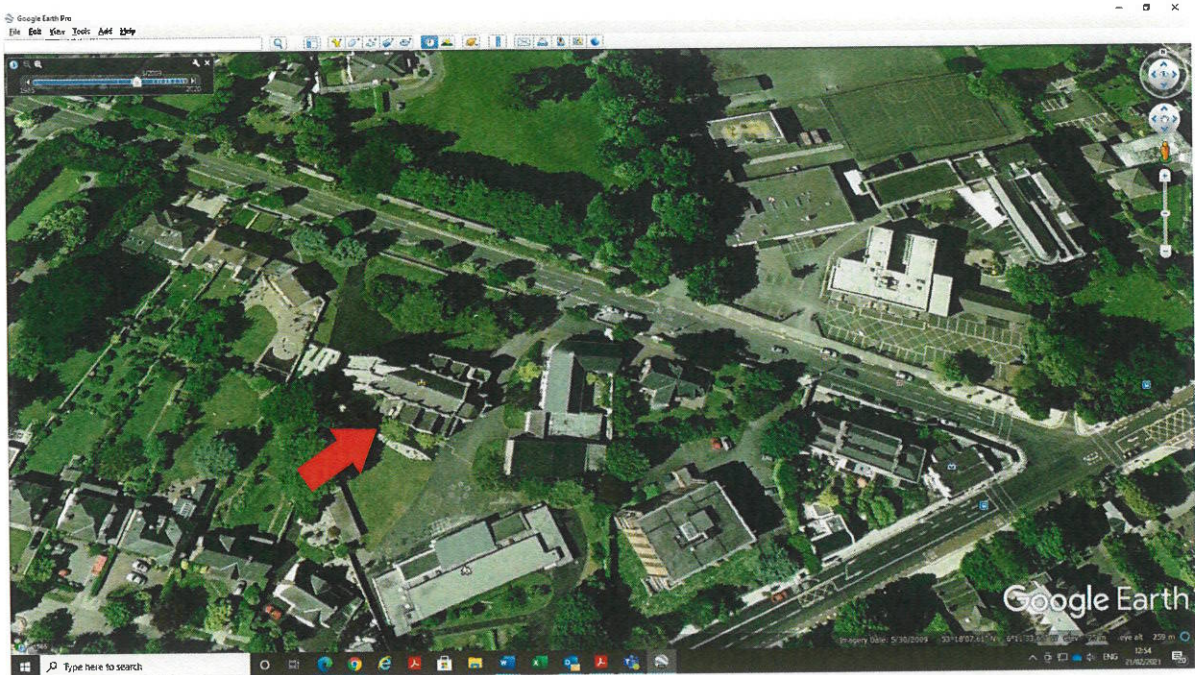


Dalkey DART Station: Google Streetview Image July 2009

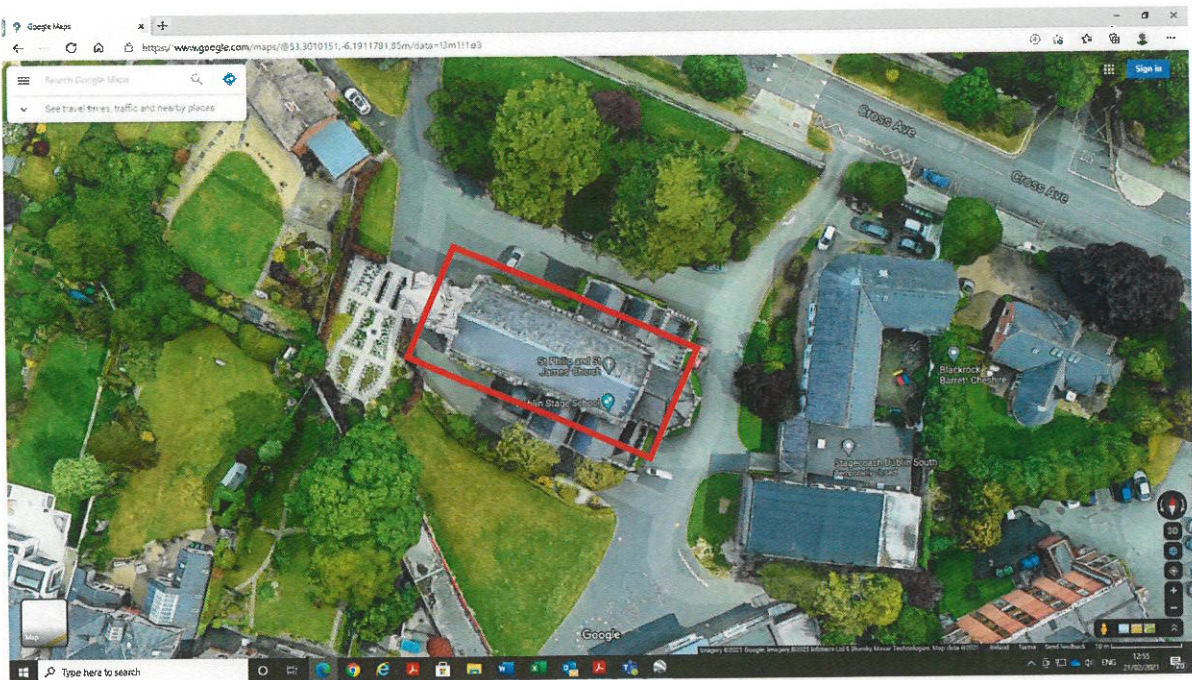


Dalkey DART Station: Google Streetview Image October 2019

Note: The roof of Dalkey DART station has been re-slatted with new slates of a different colour and the elevation has also been re-rendered. There is a clear difference between the colour old and new slates.



The Select Vestry of St. Philip and St. James: Google Earth Image May 2009



The Select Vestry of St. Philip and St. James: Google Maps Image late 2010's

Note: The red box highlights the roof of the nave of the church. The southern side of the roof has been replaced and there is a clear difference between the colour of the new slates and the old ones.

Planning Department

An Rannóg Pleanála

Registry Section

Ciarán Carolan

Asst. Staff Officer

Direct Tel: 01 2054700

Fax: 01 2803122



Kieran O' Malley & Co. Ltd
"Saint Heliers"
Stillorgan Park
Blackrock
Co. Dublin

Reference No: Ref12520

Application Type: Declaration on Development and Exempted Development Act
– Section 5, Planning & Development Act (as amended)

Registration Date: 23-Dec-2020

Decision Date: 26-Jan-2021

Location: Church of the Assumption, Booterstown Avenue, County Dublin

Development Works: Roof repair works comprising re-slating the side (east) aisle of the Church of the Assumption.

NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the planning & Development Act, 2000 (as amended), Dún Laoghaire-Rathdown County Council has, by Order No. Ref.REF11/21 dated 26-Jan-2021 decided to issue a Declaration that:

The Applicant should be informed that the stated (existing/ carried out), Roof repair works comprising re-slating the side (east) aisle of the Church of the Assumption, **are considered to be Development, and are Not Exempt Development** under Section 4 (1) (h) and Section 57 (1) of the Planning and Development Act, 2000 (as amended).

Date of issue: 27-Jan-2021

Signed: Ciarán Carolan

For Senior Executive Officer

NOTE: Where a Declaration is issued under Section 5, any Person issued with such a Declaration, may, on payment to An Bord Pleanála, 64 Marlborough Street, Dublin 1, of a fee of €220, refer the Declaration for review, **within 4 weeks** of the date of issue of the Declaration.

Tara Cooke,
Fortal,
Killiney Road,
Killiney,
Co. Dublin.

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

21st February 2021

RE: Conservation Report / Opinion on Roof Repair works comprising re-slatting the side (east) aisle of the Church of the Assumption, 67 Booterstown Avenue, Blackrock, Co. Dublin, a Protected Structure.

RE: Section 5 Declaration: DLR Co. Co. Reference No: **Ref12520**
Decision Order Date: 26/01/2021

Applicant: Reverend Gerry Kane, Church of the Assumption, Booterstown Avenue, Co. Dublin.

Agent: Kieran O'Malley and Co. Ltd., Town Planning Consultants, Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, Co. Dublin

Dear Sir, Madam,

We have been instructed by the Applicant to respond to Dun Laoghaire Rathdown Co. Co. conservation officer's report on the Section 5 declaration Reference No. 12520 -7, this report is for inclusion with the referral to An Bord Pleanála.

The primary concern raised by the conservation officer is the difference in colour between the slates that have been used to repair the roof and the original slates, which are no longer fit for purpose. The planner's report also comments on the slates being of a different size to the original and the extent of the re-slated area. This report will address each of the points raised by the Council. Our conclusion in considering the report from the local authority is that the key point in considering the impact of the works on the protected structure is whether the colour of the slates used materially change the character and appearance of the Protected Structure or as submitted to the Council and now the Board, they should be acceptable, particularly if given time to weather in, as a necessary repair that can be classified as exempt development.

The opinion stated in the report by the Local Authority states:

"It is considered, that with regard to Section 4(1)(h), and Section 57(1) of the Planning and Development Act, 2000 (as amended), that the works carried out on the roof of the Church that is a Protected Structure, constitute development, and are noted generally as including for maintenance. Repair for external / internal works. However, noting the significant colour change, and noting size difference, etc. of the replacement Spanish slates, noted as significantly closer to black in colour than the previous slates, are considered to be works of a significant nature, and are not of a limited, repair/alteration only type of work.



*It is considered that the nature of the works are not limited, and result in a **material change to the character and appearance of the Protected Structure**, and alteration to the architectural interest of the structure, area or neighbouring structures and are considered to be "development" and significant in nature. Thus the proposed works are considered Not to be 'exempted development' and not in accordance with Section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000, (as amended)."*

The Conservation officer's report also states that "the use of this type of slate is considered contrary to the guidance for works to the roof of a Protected Structure as set out in the Department of Arts, Heritage, Regional Rural and Gaeltacht Affairs, "Architectural Heritage Protection Guidelines for Planning Authorities" and Advice Series publication."

Page 76 of the Advice Series publication, A Guide to the Repair of Historic Roofs: (2010) specifically recognises that a time will come when a roof covering will need replacement and it includes reference to the possibility of considering different sources of slate including those from Spain. The relevant quote is included later in this report and in the report that was submitted as part of the Section 5 Application which also includes a quote from Places of Worship: The Conservation of Places of Worship: (2011).

Reference is made by the planning officer to our previous submission indicating that the "Spanish slates used were of a large size and thicker than the mixed size and thickness of the previous slates". This comment appears to be a misreading of the quotation from our report, submitted as part of the section declaration, from the builder/roofer stating:

"We wish to confirm that the replacement slates used in side aisle (low roof) were the larger sized Gallegas natural slate (24"x12"). The existing roof comprised poor quality Blue Bangor of varying sizes, attached to underlying rotten battens of various spacing. The differing sizes & thickness of slates meant that inadequate fixing would not have prevented slates sliding off the roof at random and continuing to present an ongoing liability and risk to pedestrians."

The "larger sized Gallegas natural slate" refers to the size options available in the range of slates used rather than in comparison to the slates that were removed from the roof, approximately 15% of the slates that were replaced were salvaged and are retained on site for inspection.



Street View-Oct 2019 ©Google 2021.

Based on a comparison between on the Google Map image above, showing the roof before the work was carried out, with those taken after the roof was re-slatted, it would appear, that the average size of the original slates is not materially different to the replacement slates and that replacement battens were placed at similar centres. Whilst the original slates varied considerably in size, the



visual grain of the roof is determined by the averages sized ones and that has been matched by the new slates. The new slates are natural with a similar texture to the original ones and will fade as they weather in time, as did the original.

The comments quoted from the Local Authority's report in relation to differing sizes and thicknesses again relates to the slates that were replaced and it is a comment on the worn condition of the slates that are over 100 years old and the resultant difficulty in reinstating any part of the roof with them. Comment in relation to the thickness of the replacement slates in our initial report, stating the thickness of the new slates was not intended as a comment in relation to the thickness of the slates they replaced which are worn thin beyond serviceable reuse.

The above Google Maps image shows the side aisle roof as seen from the ground before the work was done. Given the angle from which this roof is visible from the ground it is unlikely that the difference in the size and thickness of the slates is noticeable; the visual impact is of minimal to negligible effect.

We support the principle that where a repair involves replacing materials or elements of a protected structure it should match and blend into the existing building fabric as seamlessly as is reasonably possible or achievable for the building or structure in question at the time. Other factors can impact on what is realistically possible for a project at a given time and this can include the urgency of a repair, availability of materials and funding and sometimes this may mean accepting a temporary solution or a degree of change. These choices and their impact should be carefully considered. This view is supported in: A Guide to the Repair of Historic Roofs: (2010) on page 76:

*"A major factor for owners and custodians is the cost associated with providing the full replacement covering, versus the accumulation of incremental costs for ongoing piecemeal repairs, insurance, scaffolding and the like. There will come a day when the decision to re-roof will have to be made. **Compromise** is often part of the final decision reached. The cost of replacement slate and scaffolding is a sizeable investment" and on Page 77: "slate originating from Spain" that where cost is an issue "these new imports may sometimes provide the only option for re-roofing with a natural slate".*

The above quotation supports the fact that in some instances, repairs may involve more than "a limited, repair/alteration only type of work" and can refer to large areas. Although this repair involved the re-slating of one side aisle roof, it is a relatively small area in the overall context of the church building and adjoining building that are protected structures.

The condition of the slates retained on site indicates that the day for making "the decision to re-roof", for "the full replacement covering, versus the accumulation of incremental costs" had come and the urgency to proceed with this work was evident when a falling slate just missed a person standing outside the side aisle which abuts the path to the Parish Centre entrance, an access route that is in constant use. Loose /slipped slates are visible in the Google Maps image above.

The importance of working to match in with the materials used in historic buildings is best practice and where possible usually means matching like with like. Notwithstanding there is acceptance in guidance documents of the reality that at some stage roofs are likely to require re-slating that includes by default an acceptance of some change in the initial appearance of the roof covering.

Slates are a natural material that weather with exposure to the elements over time developing a patina and this aging process is both what makes the matching in process difficult and a potential remedy, where if given time the weathering of new slates will diminish and initial differences between new and old.

The salvaged slates stored on site are not fit for reuse and this supports the case for re-slating the roof. Although the use of Blue Bangor or Irish slates would have been preferred by the Council, it is also the case that if new slates were used, they would also look different from those they replaced including a tonal or colour difference.



By way of example, the difficulty in blending in new slates to existing roofs is often addressed in extension projects by moving slates or tiles from the back of an existing roof or hidden valley roof to dress the front roof over a new extension or repair a prominent area of roof. This approach is not always completely successful owing to different levels on weathering around a building and was not an option at Booterstown Parish. Furthermore, reclaimed slates have a limited life expectancy, so that would merely defer replacement to a later date.



Satellite image © Infoterra LTD & Bluesky Maxar Technologies Map data © 2021

The colour of natural materials varies. Recently quarried Blue Bangors would look different to those originally used, being a natural material taken from different parts of the quarry at different times. The new slates will fade as they weather. A minor change to the colour of a building element does not significantly change the character and appearance of the overall building. Reference to the above Google Maps satellite image shows that the main roof of the Church also has a darker colour slate, where slates appear to be consistent with in terms of colour.

It is accepted that there is a difference in colour and that it is evident when looking at the side aisle roof that it has been recently re-slatted but it is not accepted that this would constitute a material change that would materially affect the character or appearance of the Church. Further, it is expected that given time to weather, the appearance of the new slates will become less obvious.

Conclusion:

The re-slating of the east side aisle roof was a necessary repair. The slates protect the church from the elements, thereby protecting the heritage of the Protected Structure as required under Section 58 of the Planning & Development Act 2000 (as amended).



The re-slating of the side aisle roof constitutes repair work and the works as completed are in keeping with Advice Series: A Guide to the Repair of Historic Roofs and Places of Worship. The original form and profile of the side aisle roof has been retained.

Having given the matter further consideration, having addressed the concerns raised in the report by the Local Authority, it is clear, that the key point in deciding if the works constitute exempt development is the colour of the selected slate and whether the difference is sufficient to materially affect the character and appearance of the protected structure.

The fact that the slates are no longer serviceable, the guidance in the Guide to the Repair of Historic Roofs combined with the fact that re-slating the roof with any new slate involves some acceptance of a difference in colour, combined with the fact that slates weather in time, makes us conclude, with respect, that the acceptance of some change is inevitable. Accordingly, it is not agreed that the re-slating materially affects the character or appearance of the Church.

Yours sincerely,



Tara Cooke, B.Arch. MRIAI



