



SSA ARCHITECTS

An Bord Pleanála
64 Marlborough Street
Dublin 1

AN BORD PLEANÁLA	
LDG-	<u>052730 - 22</u>
ABP-	_____
10 MAY 2022 ok	
Fee: €	<u>220</u> Type: <u>cheque</u>
Time: _____	By: <u>reg post</u>

9 May 2022

Re: First Party Appeal - Section 5 Declaration for the Painting of Existing Facade at The Mont Hotel, 1-4 Merrion Street Lower, 13-14 Clare Street, Dublin 2
Section 5 Ref. 0067/22

Dear Sir / Madam;

On behalf of Persian Properties Unlimited of Hospitality House, 16-20 South Cumberland Street, Dublin 2, SSA Architects (agent) of 42 Haddington Road, Dublin 4, wish to appeal the above Section 5 application decision that the works are not exempted development ref. 0067/22 (copy enclosed).

Dublin City Council's decision states that it considers that the painting (**repainting**) of the existing front and side facade at 13-4 Clare Street, a protected structure (RPS ref. 1890) at The Mont Hotel, comprises "*development which would not come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000 (as amended) as the development materially affects the character of the Protected Structure and therefore requires planning permission*".

It is clear that repainting a structure does not require planning permission and we have addressed this in the annex. The nub of the issue is the character of the colour used (RAL 7024 dark grey) and whether or not this materially affects the character of the building. To materially affect the character of a building you must significantly alter the distinctive qualities of the building.

Is the magnolia colour which preceded the current colour a distinctive quality which defines the character of this Protected Structure and have we significantly impacted on this?

There are very few painted structures which are defined by the colour they are painted, as by their nature, painted buildings frequently change colour. The subject building was originally a brick facade and at some point prior to the 1972 (image below) it was plastered. This was a significant or material alteration to the character, not simply

because of the colour change but as a result of the covering of the brick, which is an intrinsic quality to the Georgian buildings in the area. What are the qualities of this building that define the character and which of these qualities elevate it to protected status?

We believe this buildings character is defined by:

- Its history;
- Its overall bulk, form, and scale;
- Its external finish, plastered and painted facade;
- The building fabric, the remaining original materials used in its construction;
- Its elevational composition, proportions of fenestrations.

We believe the above qualities define this building's character and that while a colour change will alter the appearance it will not significantly affect the character.



Plastered facade of 13-14 Clare Street - 1972

The painted colour change of a building in the following image of Cobh in Co. Cork would not significantly impact on the character of any individual building.



Cobh, Co. Cork

However, the painted colour change of a building in the subsequent image of an Edwardian terrace would impact the character.



Edwardian Terrace in South Kensington, London

The architectural composition of the Georgian doorways around Merrion square are a good example of a defining quality (character) of the buildings. The change in colour to the doors undeniably alters the appearance but it does not affect the character



Georgian Doorways

Summary

We do not believe that the magnolia or off white colour has any more merit than the grey colour now applied. The following images demonstrate the range and variety of tone and colour which exist on Clare Street and Merrion Street. This demonstrates that the new colour and tone has less visual contrast than the previous colour in terms of its relationship to neighbouring buildings.



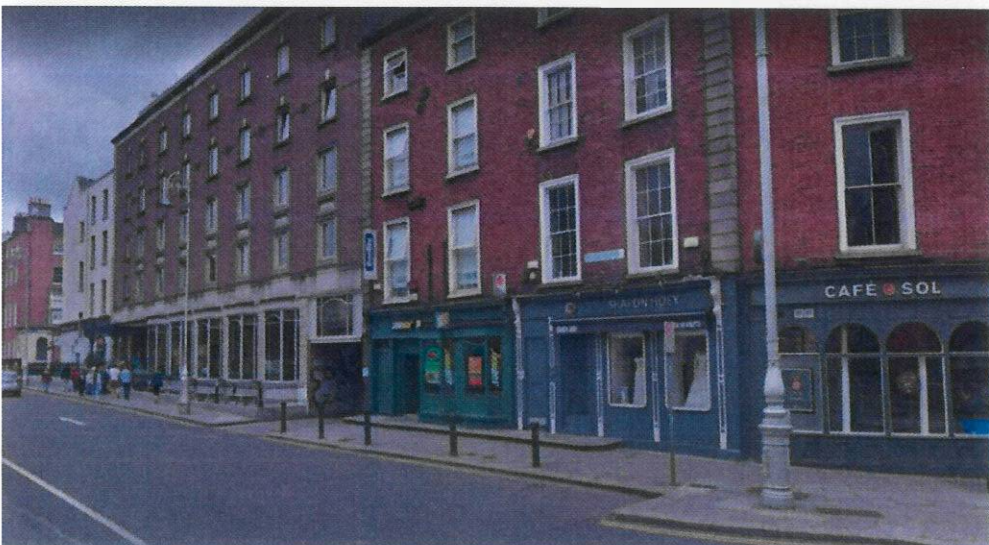
Front & Side Facades of Current Hotel Paint Colour



Front & Side Facades of Previous Hotel Paint Colour



Clare Street



Merrion Street Lower

Repainting Exempt

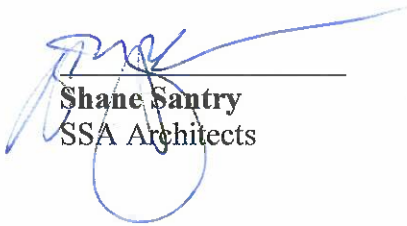
We are of the opinion that the works are exempt as per the Department of Environment Guidelines for Planning Authorities - Architectural Heritage Protection under Routine maintenance 4.13.5, which states:

Regular maintenance to keep a building weathertight; the securing but not the replacement of existing elements of windows and doors; clearance of gutters and downpipes; refixing of loose slates; repainting of previously painted surfaces; repair and maintenance works carried out in accordance with the Department of the Environment and Local Government Conservation Guidelines; minor alterations to services (but excluding the installation of major services such as lifts and air-conditioning).

Furthermore, we would note Class 12 of Schedule 2, S.I. 600 of 2000 which states:
The painting of any external part of any building or other structure is exempt.

We trust this is in order.

Yours faithfully,



Shane Santry
SSA Architects

Encl. Dublin City Council Section 5 Decision

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

Planning & Property Development Department, Block 4, Floor 3, Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T: (01) 222 2288

E. planning@dublincity.ie

05-May-2022

SSA Architects
42, Haddington Road
Dublin 4

Application Number	0067/22
Application Type	Section 5
Registration Date	11-Apr-2022
Decision Date	29-Apr-2022
Decision Order Number	P3141
Location	The Mont Hotel, 1-4, Merrion Street Lower, 13-14 Clare Street and Merrion Close, Dublin 2, D02 H525
Proposal	EXPP: PROTECTED STRUCTURE: Painting of the existing front and side facade.
Applicant Details	Persian Properties Ltd

- **If you have any queries regarding this Decision, please contact the email shown above**

Note:

Any person issued with a declaration on development and exempted development, may, on payment of the prescribed fee, refer a declaration for review by A Bord Pleanála within four weeks of the date of the issuing of the declaration.

NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the Planning & Development Act 2000 (as amended), Dublin City Council has by order dated 29-Apr-2022 decided to issue a Declaration that the proposed development is NOT EXEMPT from the requirement to obtain planning permission under Section 32 of the Planning & Development Act 2000 (as amended) for the following reason:

It is considered that the works as summarised below comprise development which would not come within the meaning of Section 4 (1) (h) and Section 57 of the Planning and Development Act, 2000 (as amended) as the development renders the appearance of the building to be inconsistent with the character of the structure and of neighbouring structures and also materially affects the character of the Protected Structure. Therefore, the development as completed/proposed requires retention planning permission/planning permission.

Painting of the existing front and side facades of 13-14 Clare Street, a Protected Structure (RPS Ref: 1890), in dark grey (RAL 7024 or similar), at The Mont Hotel, 1-4 Merrion Street Lower, 13-14 Clare Street and Merrion Close, Dublin 2.

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

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05-May-2022

Signed on behalf of Dublin City Council

For Administrative Officer

