

## Alfie Staunton

---

**From:** Rosie McLaughlin <rosie@rmlplanning.ie>  
**Sent:** Monday 19 February 2024 17:05  
**To:** Appeals2  
**Subject:** Section 131 submission ABP Ref 318827-24 (WCC EX83/2023)  
**Attachments:** ABP 318827-24 S131 response MGallen.pdf

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

To whom it may concern

In response to a letter from Mary Tucker, EO, dated 6<sup>th</sup> Feb 2024, please find attached the section 131 response in relation to your ref. ABP 318827-24 (WCC EX83/2023), Violet Hill House, Bray, Co. Wicklow.

I would appreciate confirmation of receipt of this submission by email so I know it has been received within the designated timeframe.

Kind regards

*Rosemarie McLaughlin*  
*BA(Hons), BL, MRUP, MIPI.*  
*RML Planning*  
*rosie@rmlplanning.ie*  
*0876787323*  
<https://rmlplanning.ie/>



## RML PLANNING

Your ref: ABP 318827-24  
PA Ref: EX83/2023

3 David Road,  
Drumcondra,  
Dublin 9, D09H2V6  
00353 0876787323  
[rosie@rmlplanning.ie](mailto:rosie@rmlplanning.ie)  
<https://rmlplanning.ie/>

The Secretary  
An Bord Pleanála  
62 Marlborough Street  
Dublin 1

19/02/2024

**Re: Section 131 submission as invited on "Whether the removal of paint from part of a protected structure, Violet Hill House, Herbert Road, Bray, Co. Wicklow is or is not development and is or is not exempted development."**

Dear Secretary,

I have been requested to write to you by Ms Gallen the referrer in relation to your letter and enclosure dated 6<sup>th</sup> February 2024.

Broadly following the format of the enclosure and not repeating the referral the following submission is requested to be considered.

### **1. Distinguishing between the "main house" and "extension"**

The circulated response to the referral distinguishes between the different parts of the house and appears to consider the Gallery end of the protected structure as of lesser importance. A conservation report on the history of the house has not been submitted and reference is made to an article in 'The Builder' 1869.

Section 2 of the Planning and Development Act 2000 as amended (PDA2000) provides  
*"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—*

*(a) where the context so admits, includes the land on, in or under which the structure is situate, and*

***(b) in relation to a protected structure or proposed protected structure, includes—***

***(i) the interior of the structure,***

***(ii) the land lying within the curtilage of the structure,***

***(iii) any other structures lying within that curtilage and their interiors, and***

***(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (ii);..***

Accordingly, the entire structure, the curtilage and other structures within the curtilage are protected under the legislation.

A report by a Grade 1 Conservation Architect accompanied a concurrent planning appeal ABP 316733-23 for an extension to the opposite side of the protected structure. As that appeal is also before the Board and was referenced in the original referral, it is not intended to repeat in full the details. However, in relation to the hyperlink reference in the response by the owners, the following was provided in the heritage report on the concurrent appeal.

"A house called Violet Hill appears on the c1840 First Edition Ordnance map. That map shows the Dargle valley very clearly, and shows large houses on the shoulder of both sides of the valley, Violet Hill being one on the east side and St Valery one on the west. Violet Hill is first mentioned in the Irish Builder in the issue of the 1st of April 1868 under the heading 'Notes of Works'. It is a short entry, giving the names of the owner, the architect and the builder. It suggests that while works may be planned or under way, **the building is not complete**. An entry a year later, on the 1st of March 1869 **indicates that much progress has been made** and is as follows:

*VIOLET HILL, BRAY, CO. WICKLOW. THE subject of our illustration in this No, is a mansion recently erected for Edward L. Griffin, Esq., from the designs of Mr. William Fogerty, architect. The accommodation is as follows:-Hall, 24 ft. by 16 ft., separated from principal stairs by a screen of marble columns; library, 24 ft. by 17 ft.; drawing-room, 27 ft. by 18 ft.; dining-room, 24 ft. by 17 ft.; breakfast-room, 18 ft. by 14 ft. There are extensive and complete kitchen offices and twelve bed-rooms, with bath-rooms, cloak- room, w.c.'s, and lavatory. The cost, including garden wall, has been about £5,000, and the projected stable offices will cost about £1,200. Mr. George Moyers is the builder, who has carried out the work in a most creditable manner under the direction of the architect. The material is red brick, with dressings of granite and Bath stone. All the interior woodwork is stained and varnished. The site commands delightful views of the Sugar Loaf and other well-known mountains. Altogether the building presents a very favourable specimen of an "Irish Gentleman's House."*

The architects for the current application for an extension to Amber assert that the north end of the house consists of 'servants' quarters both upstairs and downstairs, **perhaps suggesting that the north end has lesser heritage value than the rest of the house. This is not so; in fact the opposite is true, since the north end of the house demonstrates the emergence of the Arts & Crafts principles much more than the south end.** The downstairs apartment (Amber) probably contained servant spaces, such as sculleries and larders gathered around a kitchen. The magnificent rooms and fine architectural detail found upstairs in the Gallery apartment demonstrate beyond doubt that the main spaces in the Gallery apartment could never have been servants' quarters".

**(bold my emphasis)**

The east wing now comprising The Gallery and Amber were built slightly later, but certainly in the 19th century judging by many of the external and internal decorative elements (window surrounds, carpentry on door frames etc), most of which mirror that of the rest of the building. The entire building was given protected status, so to suggest the west wing and east wings of this house are somehow unrelated, or not governed by the same protection is inaccurate. Given many of the elements of the east wing mirror that of the rest of the building, this section may or may not also have been designed by William Fogarty as the works may have been completed shortly after his death in 1878.

The Gallery and Amber are not vastly different in appearance to the remainder of the building. The bay and oriel windows of Violet Hill House, Mandalay and The Gallery are of varying forms. Apart from the small elements of lime rendering above and below The Gallery bay window, the entire east wing comprising The Gallery and Amber is rendered in red brick and granite, the same materials as Violet Hill House and Mandalay. Most window shapes and granite surrounds are also identical or similar in design to those used elsewhere in the building, e.g., the Gothic arch-shaped windows extant at The Gallery and Amber are complimentary to the multiple similarly shaped windows to the front of Violet Hill House.

The section 28 Architectural Heritage Guidelines for Planning Authorities emphasises that additions and alterations are critical in protected structures.

*"7.8.1 Alterations and **additions to a structure can themselves be an irreplaceable part of a unique history. Different periods of alteration can inform the social and architectural history of the built heritage.** For example, the subsequent addition of porches, balconies, shopfronts and returns can say much about changing fashions in architectural design and social aspiration, as can alterations or embellishments such as the addition of bargeboards, window and door surrounds or dormer windows. 7.8.2 In order to appreciate the integrity of a structure, it is important to respect the contribution of different stages of its historical development. Concentration on whether or not various parts of a building are 'original' can obscure the fact that later alterations and additions may also contribute to the special interest of the structure. Of course there may be alterations or additions which have not contributed to the special interest of the building, and which may in fact have damaged it."*

The sales brochure from 1973 confirms the entire building was painted at that time. The entire building was painted when it was afforded Protected Structure status as the structure was not included in the record of protected structures in the first Co. Wicklow County Development Plans 1970 and 1989 but is included in the Bray Urban District Development Plan 1999. It is open to a Planning Authority to protect all or part of a structure. In the instant case, all of the structure and its curtilage is clearly a protected structure under section 51 of the PDA2000. The character of the building includes the protection of the brick and mortar.

## **2. Removal of paint and limewash**

The material under the paint is wholly within the knowledge of the owner. The wide presence of limewash suggests the poor historic condition of the brickwork as limewash, like paint, would have been used to slow the deterioration of the brickwork. It is also considered breathable, as it allows the pores of the brick to remain open to the air. The removal of the limewash and paint, without any planned restoration work by the current owners, 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 followed suit, and a full subsequent restoration is not undertaken.

The owners have not submitted to the Board a conservation report or a technical report of how the paint and limewash underneath, was removed, just a statement that the paint and limewash were "removed in a manner that would gently remove it" and "with a very soft glass bead under low pressure". The Board will be aware that an observation to the appeal has submitted details of the removal process. Please note the firm employed by the owners for this paint removal specialises in sandblasting. Removal by glass bead is an abrasive process known as bead blasting where glass beads are used at pressure on a surface and there is no independent conservation report to show how this could be described as gentle. A non-invasive paint removal from bricks is steam removal which dissolves the paint layer by layer.

The distant photographs provided in the submission after the removal do not illustrate any close-up detail of the brick and mortar after the treatment of the building by **AD'S Mobile Sandblasting Services** <http://mobilesandblastingdublin.com/>. This company is not listed on the Register Of Heritage Contractors 2024 see, [Heritage Contractors - The Register of Heritage Contractors in Ireland \(heritageregistration.ie\)](http://heritageregistration.ie).

No information has been provided regarding re-pointing or that the mortar used for re-pointing has a similar performance characteristic to the original mortar used. It is critical to the protection of the

integrity of the protected structure to employ the same pointing techniques and mixes used when the façade was originally built.

The owners have made a submission with photographs which are not dated and do not indicate at what stage of the cleaning process they are taken. The "Advice Series" published by the Department in 2015 to guide owners for historic structures on how best to repair and maintain their properties "Bricks – A Guide to the Repair of Historic Brickwork", has not been addressed and no details have been provided as to compliance with the Guidance. The Board is requested to inspect the brickwork/pointing and check no damage has occurred from the works and the fireskin is intact protecting the building and the pointing. It is important to ensure paint removal does not affect the glaze on the surface of bricks as if this is damaged, moisture can get into the brick and cause spalling, i.e the breakdown of bricks such as cracking, or crumbling. When moisture is absorbed into brickwork, it can undergo a freeze-thaw cycle when the moisture expands when it freezes, leading to movement within the bricks. **Without the supervision or report of a conservation architect, the assertion that the brickwork is in "exceptional" condition is a matter for the Inspector to ascertain as well as to establish if repointing or restoration of bricks is required.**

The Architectural Protection Guidelines details (section 4.12.3) provided in the referral to the Board have not been addressed. The shades of cream are not relevant to the appeal as different owners over a long period had control over their individual properties. The overall appearance of the building is far more inconsistent now than before these works were undertaken, and the slight differential in cream colour is insignificant compared to the inconsistency of surface finish now apparent. As provided in the referral, the whole building was painted as it was deemed the brickwork and the cost at that time, which remains true, was prohibitive to fully restore and repoint it. Maria Gallen, who has lived in Violet Hill since 1986, spoke first-hand to residents who were present at the time of the division of the estate in the mid-1970s, and therefore has information first-hand on the history of why the building was painted.

### **3. Allegation that appeal is vexatious**

The response to the referral states the section 5 reference and appeal to the Board is vexatious and made with the intention of causing nuisance. Ms Gallen has been a resident on the estate in The Gallery for nearly 40 years and is most offended by this statement. Ms Gallen is very genuinely concerned about guarding the unique character and design of the important protected structure, and the retention of trees within the tree preservation order. She has, as is her right, and often alongside other neighbours, objected to several developments considered inappropriate around the estate, often undertaken or proposed without residents' agreement, or in violation of restrictive Deed covenants pertaining to the estate, and the objections have been upheld or are being considered by The Board in many circumstances.

The response to the referral sets out several planning references, including enforcement matters on other properties, without context. Please see Appendix 1 where the context is provided, reiterating that Ms Gallen is not in any way vexatious, frivolous, or causing a nuisance.

Yours sincerely,




---

19/02/2024

Rosemarie McLaughlin BA, BL, MRUP, MIPI.

**Appendix 1****Planning and enforcement references - Violet Hill estate 2018-2024**

1. WCC UD 5548 – Amber, Violet Hill, non-compliance with grant of permission under WCC 17544 of installing a clear glass window directly looking into courtyard of The Gallery instead of obscure glazing. File closed when owners rectified matter.
2. WCC UD 5601 – relates to a complaint of unauthorised development at Amber, Violet Hill, namely the erection of two sheds without planning permission to the front of the protected structure. WCC enforcement decided that although not authorised, as they were visually acceptable to them not to take action, resulting in the following EX 69/2022.
3. EX 69/2022 – WCC declared the two sheds at Amber were development and NOT exempted development, subsequently the owners made an application for retention, WCC 2360035 below point 4.
4. WCC 2360035 -retention of two sheds at Amber approved by WCC, resulting in an appeal, ABP 317559-23 currently awaiting decision.
5. WCC 181429 – Application by previous owners of Violet Hill House to erect two-storey house in gardens of the property. Maria Gallen objected, and proposal refused by WCC on multiple grounds.
6. WCC 22272/ABP-313725-22, installation of electric gates at entrance of Violet Hill estate by Tudor Violet Management Company (management company for the estate). Objected to by Maria Gallen, The Gallery and Elizabeth Wilding, The Coach House. Permitted by WCC and subsequently refused by The Board.
7. WCC LB/GL July 2023 – Two large trees were removed to commonly owned lands in May 2022 without informing many residents and without prior permission from WCC. Violet Hill trees protected under TPO B2. WCC decided to take no further action against the TVMC provided no further works were undertaken without proof of necessity and prior permission from WCC.
8. WCC EX 84/2023 – Amber owners erected a large banner on 6 August 2023 across side bay window of The Gallery. This banner photographed and details submitted by Daniel Gallen as part of observation letter in case ABP 317733-23 (dated 28 August 2023) was not considered development by WCC. No further action taken by Maria Gallen as banner blew down in storm on 20 October 2023, which could have caused damage to the protected structure, and has not been rehung since.
9. WCC 21988/ABP 311685-21 –Application for single-storey extension at Amber, Violet Hill, objected to by Maria Gallen, The Gallery, Clare Meckin, The Stable House and Elizabeth Wilding, The Coach House, Violet Hill. Approved by WCC but subsequently refused by The Board on multiple grounds.
10. WCC 221102/ABP 316733-23 – A second application for a single storey extension at Amber objected to by Maria Gallen with support from same two residents, approved by WCC and currently on Appeal with The Board.
11. WCC 22151/ABP 314979-22 and 221013/ABP 315055-22 – Mandalay, application for attic conversion and rear extension, the latter reference being a subset of the former relating only to the attic conversion. Approved by the Board on 23 November 2023.
12. EX 83/2023/ABP 318827-24 – Regarding paint removal at Violet Hill House, i.e. the matter under consideration in this Appeal

