

# Comhairle Chontae Atha Cliath Theas

PR/0674/22

## Record of Executive Business and Chief Executive's Order

Reg. Reference: ED22/0009                      Application Date: 25-Apr-2022  
Application Type: Declaration of              Registration Date: 25-Apr-2022  
Exemption Section 5

Correspondence Name and Address: Zubi Efobi, Module Design 1st Floor, 2, Chapel Hill,  
Lucan, Co. Dublin

Proposed Development: Proposed refurbishment, maintenance & compulsory repairs to the existing slated roof to include new felt & battens fixed to existing timber rafters. Upgrading & repairs to existing glazed roof lanterns. New lead valleys, flashings & associated detailing to roof finish. Existing sash windows & doors to be replaced with Hard Wood timber to match existing with painted finish to match existing. Existing stone work to the North Elevation/Gable to have joints raked out & re pointed to match existing. New rain water goods to be installed to match existing throughout. Roof structure to receive new Insulation & associated ventilation to entire roof area. Entrance door thresholds to be altered to level access is provided & sealed to stop water ingress. Existing plastered reveal to the west elevation to receive lead flashing over. Existing timber soffit & fascia removed & fully replaced to match existing.

Location: Loreto Abbey, Grange Road, Rathfarnham. Dublin 14

Applicant Name: Siobhan Moore & Dearbhala Cox, Giraffe Childcare Ltd

(CS)

### Site Description

The site contains a single storey child care facility known as 'Giraffe Childcare & Early Learning Centre'. The building is a **Protected Structure** which forms the most northern building of the original complex of buildings that formed Loreto Abbey, a former girl's boarding school. The external elevations of the building are stone clad. The site is accessed via Dispensary Lane. Lands surrounding the application site comprise of an apartment development.

### Protected Structure

The site is listed in the South Dublin County Council Development Plan 2016 – 2022 Book of Maps as a **Protected Structure (Map Ref. no. 253)**. Schedule 2 of the South Dublin County Development Plan 2016-2022 list this Protected Structure as 'Loretto Abbey, Rathfarnham' and is described as a '4 Storey House, Chapel with Tower, Turrets'.

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Under Section 2 of the Planning and Development Act 2000, the term '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, (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". Therefore, the entire site is a **Protected Structure**, including all existing buildings on site including their exteriors, interiors, fixtures and fittings. The Protection also extends to the lands of the site and as such come under the provisions of the Planning and Development Act 2000.

Loreto Abbey is also identified in the National Inventory of Architectural Heritage (NIAH) under Reg. No. 11216011. The NIAH rates the structure as being of architectural, artistic, historical, social and technical interest and of regional rating.

According to the NIAH Loreto Abbey was built between 1835-1845 and was original in use as a convent/nunnery.

### Proposal

This is an application requesting a declaration on whether the alterations and works including:

- Proposed refurbishment, replacement, maintenance & repairs to the existing slated roof to include new felt & battens fixed to existing timber rafters.
- Upgrading & repairs to existing glazed roof lanterns. New lead valleys, flashings & associated detailing to roof finish.
- Existing sash windows & doors to be replaced with Hard Wood timber to match existing with painted finish to match existing.
- Existing stone work to the North Elevation/Gable to have joints raked out & re pointed to match existing.
- New rain water goods to be installed to match existing throughout.
- Roof structure to receive new Insulation & associated ventilation to entire roof area.
- Entrance door thresholds to be altered to level access is provided & sealed to stop water ingress.
- Existing plastered reveal to the west elevation to receive lead flashing over.
- Existing timber soffit & fascia removed & fully replaced to match existing.

are or are not exempted development.

### Consultations

*Architectural Conservation Officer* – **Additional Information** recommended.

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### Relevant Planning History:

**SD10A/0222:** 2 no. signs to advertise the childcare facility at Block M, Loreto Abbey, Grange Road, Dublin 14 (A Protected Structure), and partially bounded by Loreto Terrace to the north, Grange Road and Dispensary Lane to the west, Convent Lane and Loreto Primary School to the south and Stonepark Abbey to the east. The signs are to be 1.65m high by 0.8m wide and 1.4m high by 0.555m wide, having a total overall advertising area of 1.7sq.m. approx.

Decision: **GRANT PERMISSION.**

**SD06A/0013:** Change of part of building known as Block M (a Protected Structure) at Loreto Abbey, Grange Road, Dublin 14 and partially bounded by Loreto Terrace to the north, Grange Road and Dispensary Lane to the west, Convent Lane and Loreto Primary School to the south and Stonepark Abbey to the east, from permitted office use of 369sq.m. to creche; external play area.

Decision: **SDCC REFUSE PERMISSION. ABP PL06S.218151 GRANT PERMISSION.**

### Recent Relevant Enforcement History:

No recent relevant enforcement history.

### Zoning and Council Policies:

The subject site is subject to zoning objective 'RES' - *'To protect and/or improve residential amenity'*.

### Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 and 57 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

### Is the proposal development?

Section 3(1) of the Planning and Development Act 2000 (as amended) states that 'development' means *'... the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'*.

The term 'works' is defined in **Section 2(1)** of the 2000 Act as *'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'* and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of the structure, and

'protected structure' means –

(a) a structure, or

(b) a specified part of a structure,

which is included in a record of protected structures. and, where that record so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition.

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It is considered that the alterations and development proposed would constitute the carrying out of works, and therefore can be considered to comprise 'development', as defined in Section 3 (1) of the Planning and Development Act 2000.

### Is the proposal exempted development?

In order to assess whether or not the works proposed to be carried out constitute exempted development, regard must be had to the following:

- *The Architectural Heritage Protection Guidelines for Planning Authorities 2011* issued by the Department of Arts, Heritage and the Gaeltacht in October 2011, in particular Chapter 7 Conservation Principles, Chapter 8 Walls and Other Structural Elements, Chapter 9 Roofs, Chapter 10 Openings: Door and Windows, and Chapter 11 Interiors.

- *Planning and Development Act 2000 (as amended)*

'Exempted Development' is provided for under Section 4(1)

*Section 4(1) The following shall be exempted development for the purposes of this Act...*

**4(1)(h)** Development consisting of the carrying out of works 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 inconsistent with the character of the structure or of neighbouring structures.

'works to a protected structure' are provided for under Section 57 of the Planning Development Act 2000 as amended

### **Section 57 (as amended)**

**57(1)** Notwithstanding section 4(1)(a), (h), (i), (j), (k) or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of

- (a) the structure, or
- (a) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

**57(4)** Before issuing a declaration under this section, a planning authority or the Board shall have regard to

- (a) any guidelines issued under section 52, and
- (b) any recommendations made to the authority under section 53

### Proposed Works

The works being proposed to the existing protected structure RPS Ref. 253 are listed in the Architectural Impact Assessment and in the Schedule of Works submitted as part of the Section 5 application. The Architectural Impact Assessment report was prepared by *ODUL Architecture, Interiors and Project Management*. An extract taken from the Architectural Impact Assessment states the following:

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### 2.2 Proposed Building Works Scope

The proposed works to the buildings are to the exterior only. There is no works to be undertaken to the interior of the lodge. The works proposed include:

- Refurbishment, maintenance, and compulsory repairs to existing slated roof to include new felt and battens fixed to existing timber rafters (Figs. 2, 3, 4, 5, 6 & 8). The proposed compulsory roof repair works will have minimal impact on the architectural character of the lodge since the roof will be replaced with natural slate to match existing.
- Upgrading and repairs to existing glazed lanterns (Figs. 2, 3, 4, 5, 6, 8 & 9). The proposed replacement of the existing glazed lanterns will have minimal impact on the architectural character of the lodge since the choice of lanterns proposed will reflect the existing in terms of form and finish.
- New lead valleys, flashings, and associated detailing to roof finish (Figs. 2, 3, 4, 5, 6, 7 & 8). The proposed replacement of lead valleys, flashings and detailing to roof finish will have minimal impact on the architectural character of the lodge since the choice of material will be in line with the existing.
- Existing sash windows and doors to be replaced with hardwood timber to match existing and painted finish to match existing (Figs. 2, 3, 4, 5, 6 & 7). The proposed replacement of existing

sash windows and doors will have minimal impact on the architectural character of the lodge since the replacement timber window and doors will reflect the existing sash windows and doors.

- Existing stonework to the north elevation / gable to have joints raked out and repointed to match existing (Figs. 2 & 7). The proposed repointing of the stone will be in keeping with the existing and will not detract from the architectural character of the stone of the lodge.
- New rainwater goods to be installed to match existing throughout (Figs. 2, 3, 4, 5, 6, 7 & 8). The proposed replacement of the existing rainwater will have no impact on the architectural character of the lodge since the choice materials will match the existing.
- Roof structure to receive new insulation and associated ventilation to entire roof area (Figs. 2, 3, 4, 5, 6, 7 & 8) The internal inclusion of insulation will have no impact on the architectural character of the lodge.
- Entrance door thresholds to be altered to level access and sealed to stop water ingress (Figs. 3, 5, 6 & 8) The replacement of door thresholds will have no impact on the architectural character of the lodge.
- Existing plastered reveal to the west elevation to receive lead flashing over (Figs. 5 & 6). The replacement of lead reveals will have no impact on the architectural character of the lodge.
- Existing timber soffit and fascia removed and fully replaced to match existing (Figs. 2, 3, 4, 5, 6, 7 & 8). The replacement of timber soffit and reveals will have no impact on the architectural character of the lodge as the replacement material will match the existing.

- Proposed refurbishment, maintenance & repairs to the existing slated roof to include new felt & battens fixed to existing timber rafters.
- Upgrading & repairs to existing glazed roof lanterns. New lead valleys, flashings & associated detailing to roof finish.

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- Existing sash windows & doors to be replaced with Hard Wood timber to match existing with painted finish to match existing.
- Existing stone work to the North Elevation/Gable to have joints raked out & re pointed to match existing.
- New rain water goods to be installed to match existing throughout.
- Roof structure to receive new Insulation & associated ventilation to entire roof area.

The applicant has attached a schedule of works prepared by ODUL Architecture. It is noted that the Schedule of Works does **not provide any detailed specifications** for the proposed works to the Protected Structure. In summary the works relate to refurbishment, maintenance, replacement and repairs to the roof, glazed roof lanterns, lead valleys, sash windows, stone re-pointing and fitting of insulation to roof structure.

The Councils Architectural Conservation Officer has commented as follows and concluded that **Additional Information** is recommended. An extract taken from the Conservation Officers report states the following:

*I have assessed the details provided as part of the Section 5 Declaration under ED22/0009 and would like to provide the following comments:*

*What initially strikes me is that all the work as detailed in the Architectural Impact Assessment is **replacement and is not repairs** in accordance with best conservation practice and principles. The Architectural Impact Assessment provided gives a very basic summary of the proposed works and that there is no impact due to materials and architectural elements being replaced with materials and elements to match the original. Although this might be the case the overall principle of conservation **is not being adhered to in that replacement is being prioritised over repair of existing.***

*The proposed works detailed as follows are for **replacement** of features and materials including some new elements;*

- *The roof is being proposed for 'compulsory' repair, however I am not sure what is meant by 'compulsory' repairs when the details provided indicates that the roof will be replaced using blue Bangor slate tiles to match the original. Proper conservation repairs will allow the roof structure to be repaired where necessary and a breathable membrane to be inserted and the existing slate tiles to be reinstated, with new tiles to match to make up any shortfall, however this level of detail has not been included. It is also proposed that the roof structure is to receive new Insulation & associated ventilation to the entire roof area. Firstly the main concern I have is that the roof slates are being replaced and not reused and there are **no specifications** with regard to the overall roof repairs and the type insulation and ventilation being proposed.*
- *The description of the works includes for the upgrading & repairs to existing glazed roof lanterns – No detail has been provided. I am aware from previous correspondence during 2020 with an architect acting on behalf of the owners that*

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*the roof light that this element was in a bad state of disrepair. It was assessed at that time whereby the roof lanterns are soft wood which has deteriorated and there was slipped panes of glass. The Councils Architectural Conservation Officer advised that the roof light should be repaired or replaced with a hard wood frame to match the original in terms of profile, design and material. No such detail has been provided, there is no photographs showing the level of detail and a profile drawing or other written detail to support the proposed work.*

- *Existing sash windows & doors to be replaced with Hard Wood timber to match existing with painted finish to match existing – Once again there are no details with regard to repairing and upgrading of the existing sash windows and doors. There is no justification for their replacement. The proposed works are for replacement of architectural elements and not repair. Repair and upgrading should always be considered before replacement and only where the existing sash windows and timber doors are beyond repair and evidence provided should replacement be considered. Details would then be required by way of justification and by way of replacements i.e. correct type, design, profile and material ensuring any replacement replicates the original completely.*
- *Existing stone work to the North Elevation/Gable to have joints raked out & re pointed to match existing – once again no detail has been provided as there is no Schedule of Works detailing the works required and methodology for the works re specifications for lime mortar for repointing of stone work and using the traditional methods and materials.*
- *New rain water goods to be installed to match existing throughout – There is no information to show that the existing rainwater goods need to be replaced and if they are cast-iron or not. Once again the replacement needs to be justified and repair given priority over replacement of materials.*
- *Entrance door thresholds to be altered to level access is provided & sealed to stop water ingress – There is no detail provided with regard to this alteration and therefore an assessment cannot be made with regard to the appropriateness of this work and materials being used.*
- *Existing plastered reveal to the west elevation to receive lead flashing over – no detail has been provided and therefore an assessment cannot be made.*
- *Existing timber soffit & fascia removed & fully replaced to match existing – Once again replacement is being proposed rather than repair of existing timber soffit and fascia which does not adhere to good conservation practice and principle. Repair rather than replace should be prioritised and any replacement needs to be justified and details provided to allow a full and proper assessment for approval by the Planning Authority and Architectural Conservation Officer.*

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*The work proposed above is not repair works but rather replacement. There are no details with regard to replacements proposed or the new elements. A method statement and schedule of works which would detail the scope of the works proposed and would include specifications and methodology for these works has not been provided. The Architectural Impact Assessment provides no level of detail in order to make a full and proper assessment and concludes that there are no impacts as the replacement of materials will match the existing and therefore there is no change. I would completely disagree as there is a loss of existing materials and elements and there are new elements proposed that requires full details, methodology and specifications for these works in particular new insulation and roof vents.*

*Based on the above assessment of the different elements it is considered that the works proposed do not adhere to good conservation practice and principles. The works are seeking to replace existing materials and architectural elements rather than repair in accordance with conservation principles and good practice. There is insufficient information with regard to a full Method Statement and Schedule of Works, which would include specifications for the works. The repair and reuse of original materials must be prioritised over the proposed replacement of materials and architectural features. As the proposed development seeks to replace materials and architectural elements/features without justification or a level of information to allow for a full and proper assessment due to insufficient detail, it is considered that unless the applicant confirms that the scope of works proposed will seek repair rather than replacement and any replacement being sought is completely justified with full and proper detail to support this claim, then the proposed works cannot be considered as exempted development.*

*It is therefore considered that the applicant address the issues and concerns detailed above in proposing that all elements are repaired and materials reused/reinstated and justification, details, drawings/photographs be provided as evidence to support replacement of features/materials rather than repair in accordance with good conservation practice and principles.*

*A Method Statement and Schedule of Works should be prepared by a suitably qualified conservation architect detailing all of the works proposed including full methodology and specifications.*

*Without full and proper information being provided an assessment to consider the works exempt cannot be determined. **Further information** is required in this regard and failure to address these issues and concerns will determine that the proposed works detailed under the S5 application cannot be considered as exempted development.*

It is considered appropriate to request the above **Additional Information**.



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### Conclusion

**Further information** should be requested to determine if the scope of works will seek repair rather than replacement where any replacement being sought is strongly justified. There is no detail provided with regard to the proposed alterations and therefore an assessment cannot be made with regard to the appropriateness of this work and materials being used.

### Recommendation: Request further information

I recommend that **Additional Information Requested** be requested from the applicant with regard to the following:

1. The applicant is requested to submit further information to determine if the proposed scope of works will seek repair rather than replacement where any replacement being sought is strongly justified. There is no detail provided with regard to the proposed alterations and therefore an assessment cannot be made with regard to the appropriateness of this work and materials being used. The applicant is requested to address all the issues and concerns detailed in the Conservation Officers report in proposing that all elements are repaired and materials reused/reinstated and justification, details, drawings/photographs be provided as evidence to support replacement of features/materials rather than repair in accordance with good conservation practice and principles. A Method Statement and Schedule of Works should be prepared by a suitably qualified conservation architect detailing all of the works proposed including full methodology and specifications. Without full and proper information being provided an assessment to consider the works exempt cannot be determined. Additional information is required in this regard and failure to address these issues and concerns will determine that the proposed works detailed under the S5 application cannot be considered as exempted development.

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\_\_\_\_\_  
**Jim Johnston**  
**Senior Executive Planner**

**ORDER:** That **ADDITIONAL INFORMATION** be requested from the applicant as set out above and that notice thereof be served on the Agent/Applicant.

Dated:

31/5/22

  
\_\_\_\_\_  
**Eoin Burke, Senior Planner**