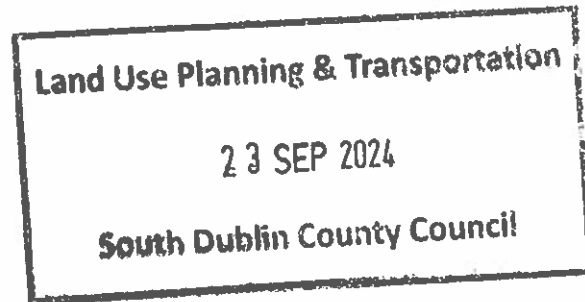


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Date: 20th September 2024

Registry Section
Land Use, Planning & Transportation Department
South Dublin County Council
County Hall
Tallaght
Dublin 24
D24 YNN5



RE: Compliance Submission with Condition No. 4 (A) of Reg. Ref. No. SD22A/0031
Single storey side and rear extension at The Green, Main Street, Rathcoole, Co. Dublin, Co. Dublin
for Micheal Melady.

Dear Sir/Madam,

This is a Compliance Submission in respect to Condition No. 4 Architectural Conservation (A) of the Grant of Permission by Order dated 21-Jun-2022 under Reg. Ref. No. SD22B/0031 for development consisting of single storey side and rear extension, which states:

The proposed materials for the new extension will match the existing roof finish and external rough cast render finish. It is proposed to insert new uPVC windows and rear sliding doors to the new addition. Although the existing windows of the cottage are also uPVC this is not an appropriate material or window type within an ACA (Architectural Conservation Area please. The applicant shall insert timber windows and consider replacing the existing uPVC windows to the existing cottage in order to provide a cohesive window type in keeping with traditional features/materials within an ACA. A schedule of materials and finishes for the proposed development shall be submitted for the approval and agreement of the planning authority. Addressing the above issue, prior to the commencement of development.

REASON: *To protect the special character and amenity of the ACA.*

Planning Enforcement Section served a Section 152 Warning Letter in respect to no compliance submission having been submitted.

The plans submitted with the application was for the provision of uPVC framed windows and doors, together with uPVC fascias and rainwater goods, so that the material finishes would reflect the existing finishes of the host cottage.

The extension has been erected and the materials of the extension match the existing roof finish and external rough cast render finish to the walls.

The Applicant inserted new uPVC windows in the extension in non-compliance with the above condition. The Applicant considered replacing the existing uPVC windows with new timber windows but unfortunately for financial reasons was unable to afford replacement timber windows. With the added expense of having to now replace the uPVC windows in the extension, it will be some time before he can give this matter full consideration.

Condition No. 4(A) is silent as regards the requirement to provide timber doors, timber fascia and other than uPVC rainwater goods.


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The extension has 5No windows, only 2No. are subject to public view and are conditioned to have timber frames. The host cottage has 9No existing uPVC windows and Condition 4 (A) only requires that consideration be given to their replacement with timber framed windows.

On the one hand the permission required the provision of timber framed windows and on the other hand allowed for uPVC doors, fascias and rainwater goods to be provided in the extension and for uPVC framed windows to remain unless the Applicant decides otherwise. This seems to defy logic and demonstrates a lack of consistency. Accordingly, the condition is unreasonable and therefore there is a danger of rejection by the Courts in any legal proceedings.

The provision of a Class 1 Exempted Development type extension would not require either timber or uPVC, instead it is open for the developer to exercise discretion. The size of an extension should not be able to dictate the type of window framing to be provided.

A Schedule of Materials and Finishes is attached.


James McInerney
Planning Consultant.

Schedule of Materials and Finishes.

Pitched Roofs

The new pitched lean-to roofs of the extension have been finished with concrete roof tiles to match the existing roof tiles of the cottage in profile, colour and texture.

Flat Roof

The apex between the pitched lean-to roofs is finished in black mineral felt to match the flat roof of a rear annex to the cottage. This roof is not subject to public view.

External Walls

The external walls of the extension have been finished externally with a rough cast render finish similar to the external finish of the host cottage. The plinths at bottom of the walls of the extension are finished in smooth plaster to match the plinths of the host cottage. The new walling has yet to be painted to match the cottage.

Facias

The facias of the extension are uPVC similar to the existing facias of the cottage. The approved plans indicated that uPVC facias were to be provided. The prohibited use of uPVC was not specifically mentioned in Condition No. 4 Conservation (A) and as such their retention is protected by Condition No. 1.

Rainwater Goods

The roof gutters and downpipes of the extension are PVC similar to the rainwater goods of the host cottage. The approved plans indicated that uPVC rainwater good were to be provided. The prohibited use of PVC was not specifically mentioned in Condition No. 4 Conservation (A) and as such their retention is protected by Condition No. 1.

Windows

Inserted uPVC white window frames in the extension will be required to be replaced with new timber windows as specifically mentioned in the condition. Existing white uPVC windows in the cottage will be retained for the time being and their possible replacement with timber windows will be reconsidered later when finance is forthcoming.

External Doors

Inserted white uPVC single door and sliding door will be retained for the time being and their possible replacement with timber windows will be reconsidered at a later date. The approved plans indicated that doors would have white uPVC frames. Condition No 4 (A) did not specially mentions that timber framed doors were to be provided as such their retention is protected by Condition No. 1.

Note:

Any element of the extension not specially mentioned in Condition No. 4(A) was carried out in compliance with Condition No. 1 Development to be in accordance with the submitted plans, of the Grant of Permission which states:

The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by further information received on the 12/04/2022, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.


James McInerney, Planning Consultant.