



Declaration

In accordance with Part IV, Section 57 (2) of the Local Government (Planning and Development) Act, 2000 (as amended).

Louth County Council:

This declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any element thereof, and, as a result, require planning permission. Under the Act, protection extends to the entire structure including its interior and the land lying within its curtilage. It also extends to any other structures lying within the curtilage of the protected structure, to their interiors and to all fixtures and features that form part of the interior or exterior of any of these structures. Where specified in the Record of Protected Structures, protection may also extend to any other feature within the attendant grounds of the protected structure.

Nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current use may require planning permission. If in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.

This Declaration may be referred to An Bord Pleanála for review within 4 weeks of its issue, upon payment of the requisite fee in accordance with Part IV, Section 57 (8) of the Planning & Development Act 2000 as amended.

Applicant Name:	Olivia McCreesh		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	27 th September 2024	Date of Inspection:	05/12/2024
Date of Issue of Declaration:	6 th of December 2024	Previous Declarations:	None on record

Address:		Location:	
Name of Building:	Lisanna	National Grid co-ordinates:	E N
Address 1:	49 Castle Road	O.S. Map Type:	
Address 2:	Dundalk	Map Sheet:	
Address 3:	Co. Louth	Site Number:	
Eircode:	A91 CK38		

Protection Status: <small>Under the Planning and development Act 2000 (as amended)</small>	Y / N		Details:
Record of Protected Structures:	Y ✓	N	D086 (House)
Architectural Conservation Area:	Y ✓	N	St. Mary's Road (ACA Number 19)
<small>Under the Planning and development Act 2000 (as amended)</small>			
Record of Monuments and Places:	Y	N ✓	
Zone of Archaeological potential:	Y	N ✓	
Preservation Order or Temporary P.O.:	Y	N ✓	

NIAH Registration No. (if applicable):

13702005

Introduction:

The referrer has sought a Section 57 declaration as per the Planning and Development Act 2000 (as amended) in respect of works to a protected structure at 59 Castle Road, Dundalk (Lisanna.) Proposed works include the refurbishment of five existing solid wood sash windows using existing frames and sashes.

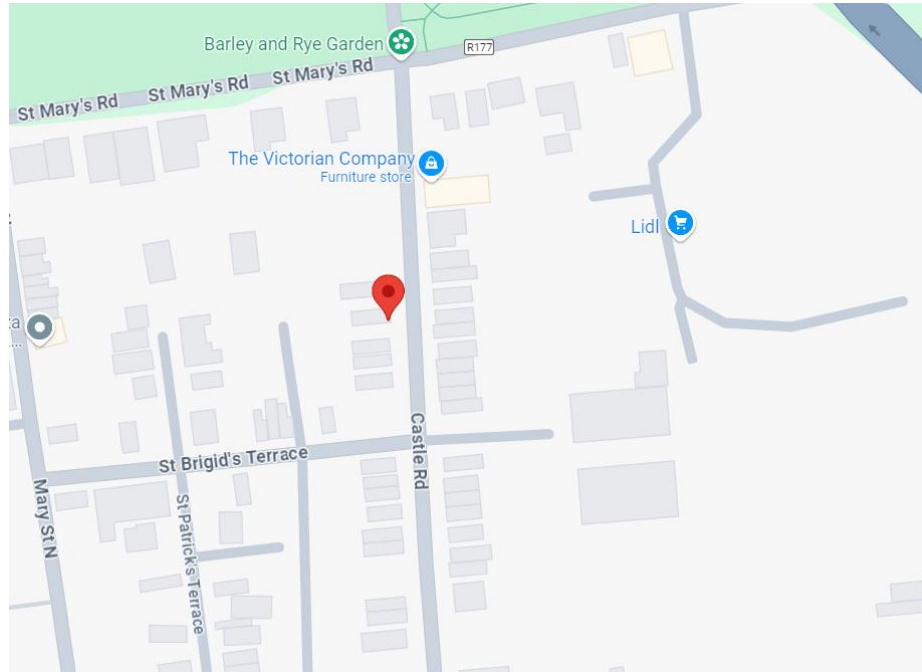


Figure 1: Site Location (Google Maps)



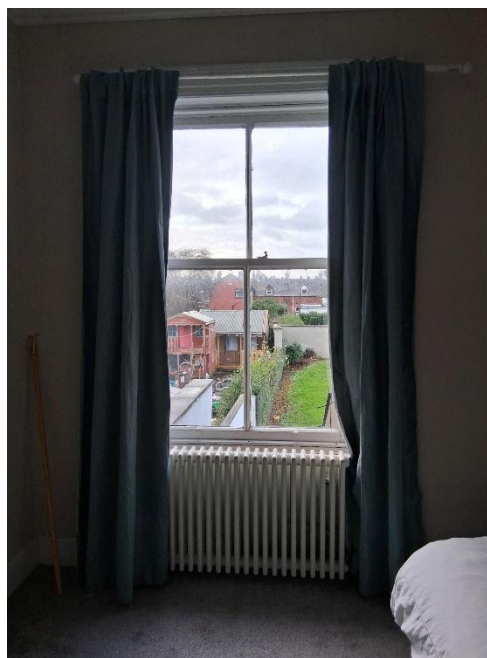
Figure 2: Existing property exterior



Figures 3-4: Utility room window



Figures 5-6 small bedroom window and bathroom window



Figures 7-8 main bedroom window



Figures 9-10 : Landing window

Protection Status:

Under the Planning and Development Act 2000 (as amended), the Record of Protected Structures (RPS) is set out in the Louth County Development Plan 2021-2027 as varied. This building is identified in the RPS under Ref: D086.

Planning History:

File Ref: 98520081 (Mairead McCourt): 3 Storey dwellinghouse, conditional (decision date 05/06/1998)

In addition to much older repair works, the report submitted refers to the previous refurbishment of some of the original sash windows although it does not specify how many or which windows these were.

Description of the Structure:

The Record of Protected Structures (RPS) in the current Louth CDP 2021-2027, as varied, describes this property as follows: *“End-of-terrace two-bay two-storey with attic red brick house built c. 1890. Bounded by decorative wrought iron railings.”* The corresponding appraisal states: *“This house is a fine example of domestic architecture of the late Victorian period and displays many characteristics of the time. The graceful bow is of particular note.”*

The structure is also in the **NIAH** and the following description is recorded:

“End-of-terrace two-bay two-storey with attic house, built c. 1890. Single-storey return to west, bowed window and dormer window to east. Pitched artificial slate roof, red brick corbelled chimneystack, clay pots, moulded cast-iron gutter on moulded brick corbelled eaves course, circular cast-iron downpipes. Red brick walling laid in Flemish bond, smooth rendered walling to north elevation. Segmental-headed window openings, chamfered brick surrounds to first floor, limestone sills, painted timber one-over-one sliding sash windows, four-windowed bow to ground floor, painted timber surround, painted stone sill, painted timber one-over-one sliding sash windows, square-headed tripartite window opening to dormer, painted timber surrounds, corbelled cornice, uPVC windows. Segmental-headed, slightly recessed door opening, moulded brick surround, painted timber door with five raised-and-fielded panels, plain-glazed overlight. House set back slightly from street, decorative wrought-iron railings with cast-iron enrichments on concrete plinth wall bounds front site to east, painted timber vertically-sheeted door to north side entrance.”

Referral Question:

Would works materially affect the character of the protected structure and as a result, require planning permission?

Presently two of the existing windows have broken frames, some have broken cords and so cannot open / close properly. There is also a build up of layers of paint which affects the ability to open / close and detracts from their appearance. Existing windows also shake / vibrate during stormy weather and allow rainwater to penetrate. The proposed refurbishment of five of the existing windows are required to maintain the visual and architectural consistency with the remainder of the dwelling. Works will increase the lifespan of the windows, improve draught proofing, benefitting the rooms and hall and help decrease damp within the building, in addition to restoring the architectural character of the building.

The proposed works would affect the following windows:

1. Utility room 2 over 2
2. Small bedroom 2 over 2
3. Bathroom 2 over 2
4. Main bedroom 2 over 2
5. Landing window 3 over 3

And would entail the following measures:

- Existing sashes and frames to be carefully removed and numbered.
- Existing sashes to be taken to the workshop for all works (plywood will be cut into the frames)
- Existing sashes and frames to have loose paint removed to ensure windows can open / close
- All decayed timber will be removed and new timber spliced into the frame or sash to replicate the profile as old
- All affected areas where rot is present will be treated with wood preservative
- All new timber spliced in will have two coats of primer glue applied (glue to be water-proof polyurethane.)
- Loose putty will be removed. Timber rebates will be primed before new linseed oil putty is fitted.
- Filters used will be epoxy resin VR90.
- Old pulleys will be oiled and left in good working order.
- Sashes will be weighted to ensure counterbalancing of sash and ease of movement.
- New 8mm waxed sash cord will be used for refitting of sashes.
- New timber parting bead fitted with mo hair.
- New timber staff bead fitted with mo hair.
- Middle rail of sash grooved out for mo hair.
- Top of back sash grooved out for mo hair.
- Bottom of inside sash to be grooved out for mo hair.
- One new Brighton fastener will be fitted and two sash lifts.
- Sashes and frames will have three coats of Xinsser bullseye primer.
- Sashes and frames will have two coats (paint to be used from colour trend historic collection.)

The proposed works are to be carried out by Mr Seamus Martin (Sash Window Repair Ltd.) A details method statement dated 27th August prepared by Mr Martin has been submitted with the application.

Legislative Provision:

Section 57(1) of the Planning and Development Act 2000 (as amended) states ‘that notwithstanding Sections 4(1)(h) and any regulations made under Section 4(2), the carrying out of works to a protected structure, or proposed protected structure shall be exempted development only if those works would not materially affect the character of:

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

Section 68 of the Act stipulates that the carrying out of any works specified in a notice under section 59 (1) or 60 (2) shall be exempted development.

Assessment:

I consider that the works detailed above will not materially affect the character of the protected structure and would not require planning permission. **Please note that this assessment recommendation is strictly based on the submitted details provided which do not include any modifications to glazing.**

Any further documentation attached (maps, photographs, sketches, notes etc.)? Y

- Request for Section 57 Declaration (date signed 27/09/2024)
- Built Heritage Investment Scheme 2025 – Appendix I – Application Form A
- Method Statement (Prepared by Sash Window Repair Ltd, dated 27/08/2024)

Conclusion:

I conclude, that WHEREAS a question has arisen as to whether the following proposed development works as detailed in the Request for Section 57 Declaration and submitted Method Statement (Prepared by Sash Window Repair Ltd, dated 27/08/2024) –

- *Sashes will be carefully removed.*
- *Sashes and frames will be numbered.*
- *Sashes will be taken to workshop for all works plywood will be cut into frame.*
- *Sashes and frame of window will have loose paint removed stopping windows that are presently stopping windows from opening.*
- *All decayed timber will be removed and new timber spliced into frame or sash to replicate profile as old.*
- *All affected areas where rot existed will be treated with wood preservative.*
- *All new timber spliced in will have two coats of primer. Glue used will be a water-proof polyurethane glue.*
- *Loose putty will be removed . Timber rebates will be primed before new linseed oil putty fitted.*
- *Fillers used will be epoxy resin VR90*
- *Old pulleys will be oiled and left in good working order.*
- *Sashes will be weighed to ensure counterbalancing of sash and ease of movement.*
- *New 8mm waxed sash cord will be used for refitting of sashes.*
- *New timber parting bead fitted with mo hair.*
- *New timber staff bead fitted with mo hair.*
- *Middle rail of sash grooved out for mo hair.*
- *Top of back sash grooved out for mo hair.*
- *Bottom of inside sash to be grooved out for mo hair.*
- *One new Brighton fastener will be fitted and two number sash lifts.*
- *Sashes and frames will have three coats of Zinsser bullseye primer.*
Sashes and frames will have two coats of finish coats. Paint used colortrend historic collection.

would or would not materially affect the character of the protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at (Lisanna) 59 Castle Road, Dundalk, County Louth, A91 CK38.

AND WHEREAS Olivia McCreesh requested a declaration on the question from Louth County Council on the 27th of September 2024,

AND WHEREAS Louth County Council in considering this referral, had regard particularly to –



- (a) Section 2 of the Planning and Development Act 2000, as amended,
- (b) Section 3 of the Planning and Development Act 2000, as amended,
- (c) Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- (d) Section 68 of the Planning and Development Act, 2000 as amended,
- (d) Section 77(1) of the Planning and Development Act 2000, as amended,
- (e) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (f) the nature and extent of works set out in the referral question in respect of this structure,

AND WHEREAS Louth County Council has concluded that:

- (i) the stated works to the protected structure comprise of works and are, therefore, **development**, and
- (ii) the stated works would **not materially affect** the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest,
- (iii) the stated works would consist of the carrying out of works for the maintenance and improvement of this structure 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.

NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by Section 57 of the 2000 Act as amended, hereby decides that the proposed works above, to Lisanna, 59 Castle Road, Dundalk, Co. Louth, A91 CK38, as detailed by the Request for Section 57 Declaration and submitted information and details, **constitutes development** that is **exempted development**.

Signed by Inspector

Signed by Planning Authority Officer

Orla Rooney, Assistant Planner

Turlough King, Senior Executive Planner

Date

Date

06/12/2024

06/12/2024

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 57 Declaration – Works to a Protected Structure

Chief Executive's Order No: 917/2024

Reference No: S57 D24-05

Date Application Received: 27th September 2024

Description: This request pertains to the refurbishment of five existing solid wood sash windows using existing frames and sashes.

Name of Applicant: Olivia McCreesh

Location of Development Lisanna, 59 Castle Road, Dundalk, Co. Louth
A91 CK38

WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration and submitted Method Statement (Prepared by Sash Window Repair Ltd, dated 27/08/2024) –

- *Sashes will be carefully removed.*
- *Sashes and frames will be numbered.*
- *Sashes will be taken to workshop for all works plywood will be cut into frame.*
- *Sashes and frame of window will have loose paint removed stopping windows that are presently stopping windows from opening.*
- *All decayed timber will be removed and new timber spliced into frame or sash to replicate profile as old.*
- *All affected areas where rot existed will be treated with wood preservative.*
- *All new timber spliced in will have two coats of primer. Glue used will be a water-proof polyurethane glue.*
- *Loose putty will be removed . Timber rebates will be primed before new linseed oil putty fitted.*
- *Fillers used will be epoxy resin VR90*
- *Old pulleys will be oiled and left in good working order.*
- *Sashes will be weighed to ensure counterbalancing of sash and ease of movement.*

- *New 8mm waxed sash cord will be used for refitting of sashes.*
- *New timber parting bead fitted with mo hair.*
- *New timber staff bead fitted with mo hair.*
- *Middle rail of sash grooved out for mo hair.*
- *Top of back sash grooved out for mo hair.*
- *Bottom of inside sash to be grooved out for mo hair.*
- *One new Brighton fastener will be fitted and two number sash lifts.*
- *Sashes and frames will have three coats of Zinsser bullseye primer.*
- *Sashes and frames will have two coats of finish coats. Paint used colortrend historic collection.*

would or would not materially affect the character of the protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at (Lisanna) 59 Castle Road, Dundalk, County Louth, A91 CK38.

AND WHEREAS Olivia McCreesh requested a declaration on the question from Louth County Council on the 27th of September 2024,

AND WHEREAS Louth County Council in considering this referral, had regard particularly to –

- (a) Section 2 of the Planning and Development Act 2000, as amended,
- (b) Section 3 of the Planning and Development Act 2000, as amended,
- (c) Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- (d) Section 68 of the Planning and Development Act, 2000 as amended,
- (d) Section 77(1) of the Planning and Development Act 2000, as amended,
- (e) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (f) the nature and extent of works set out in the referral question in respect of this structure,

AND WHEREAS Louth County Council has concluded that:

- (i) the stated works to the protected structure comprise of works and are, therefore, **development**, and
- (ii) the stated works would **not materially affect** the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest,
- (iii) the stated works would consist of the carrying out of works for the maintenance and improvement of this structure 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.

NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by Section 57 of the 2000 Act as amended, hereby decides that the proposed works above, to Lisanna, 59 Castle Road, Dundalk, Co. Louth, A91 CK38, as detailed by the Request for Section 57 Declaration and submitted information and details, **constitutes development** that is **exempted development**.

SIGNED:


Joanna Kelly
Senior Planner

Dated: 10th December 2024

ORDER:

In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and I hereby direct that a **Section 57 Declaration of Exemption be Granted** for the works, as described above.

SIGNED:


Thomas McEvoy
Director of Services

Dated: 10th December 2024

To whom this function has been delegated in accordance with the provision of Sections 154 of the Local Government Act 2001 by Order no CE.S.336/24 dated the 15th day of September 2024.

**PLANNING AND DEVELOPMENT ACT 2000 (as amended)
REQUEST FOR SECTION 57 DECLARATION**

The above Act provides that notwithstanding section 4(1)(a) , (h) , (i) , (j) , (k) , or (l) and any regulations made under section 4(2) of the Act , 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

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

As an owner or occupier of a protected structure you are entitled under the above Act to make a written request to the Planning Authority to issue a Declaration as to the type of works which it considers would or would not materially affect the character of the structure or of any element (as set out in Section 57(3) of the Planning and Development Act 2000 as amended) of that structure.

In order to allow for consideration of this request, please supply the following information:

1. Name of Applicant: Olivia McCreesh
2. Address of Protected Structure: Lisanna, 59
Castle rd, Dundalk, Co. Louth Eircode: A91 CK38

3. Correspondence of Protected Structure:
(if different from 2 above)

4. NIAH Ref. No. 13702005 Louth RPS Ref. No. 13702005

5. Is the structure owner occupied or rented? Owner occupied

6. If rented, state name and address of owner:

7. Use of structure
(residential, commercial etc.) Residential

8. Has a Declaration been sought previously? No

9. Are you aware of any (1) previous planning application/s or (2) enforcement proceedings pertaining to this site? (If so, please give details):

1. I understand and fulfil all the terms and conditions of the Built Heritage Investment Scheme 2025
2. The information provided in the application form and supporting documents is correct and I will notify the relevant local authority if there is any change in that information
3. I am providing at least €1759 from my own private resources towards these works
4. My tax affairs are in order
5. I understand that payment of funds by a local authority under this scheme does not imply a warranty on the part of the authority or the Minister for Housing, Local Government and Heritage in relation to the suitability or safety of the works concerned or the state of repair or condition of all or any part of the structure concerned or its fitness for use.
6. I understand that the local authority or the Department of Housing, Local Government and Heritage may make any enquiries that it considers necessary to establish my eligibility for funding under this scheme, and that the local authority's and the Minister's decisions are final.

Applicant's Signature: _____

Olivia McCreesh

Date:

27.9.24