

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: 170/2023

Reference No: S57 DB23-01

Date Application Received: 23 January 2023

Description: Repair of sash windows

Name of Applicant: Eimer Campbell

Location of Development St. Patrick's, Scarlet Street, Drogheda,
Co. Louth A92 YT9H

WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration – refurbishment 5 number sash windows (one double) using existing frames and sashes to the front elevation as detailed as follows:

- 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 protected structures or any element of the structures which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at St Patrick's, 27 Scarlet Street, Drogheda

AND WHEREAS Eimer Campbell requested a declaration on the question from Louth County Council on the 23rd January 2023,

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 57 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,

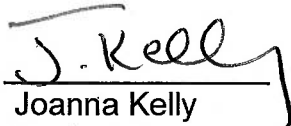
AND WHEREAS Louth County Council has concluded that:

- (i) the stated works to the protected structure comprise of works that are 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, improvement and alteration 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, and

(iv) the proposed works would comprise development which comes within the meaning of 4(1)(h) and Section 57 of the Planning and Development Act 2000 as amended and would not therefore require planning permission.

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 the 5 timber sash windows on the front elevation of this dwelling as detailed by the Request for Section 57 Declaration and Method Statement at St Patrick's 27 Scarlett Street, Drogheda, **constitutes development that is exempted development.**

SIGNED:

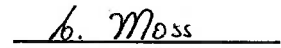

Joanna Kelly
Senior Planner

Dated: 16th March, 2023

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:


Colette Moss
A/Director of Services

Dated: 16th March 2023

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.96/23 dated the 13th day of March, 2023.



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:	Eimer Campbell		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	23 rd January 2023	Date of Inspection:	-
Date of Issue of Declaration:		Previous Declarations:	DB 338

Address:		Location:	E	N
Name of Building:	St Patrick's	National Grid co-ordinates:		
Address 1:	27 Scarlet Street	O.S. Map Type:		
Address 2:	Drogheda	Map Sheet:		
Address 3:	Co. Louth	Site Number:		
Eircode:	A92 YT9H			

Protection Status:	Y		Details:
<small>Under the Planning and development Act 2000 (as amended)</small>			
Record of Protected Structures:	Y ✓	N	DB 388
Architectural Conservation Area:	Y	N ✓	
<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):

13619126

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 Scarlet Street, Drogheda.



Figure 1: Front Façade – St Patrick's, 27 Scarlet St.

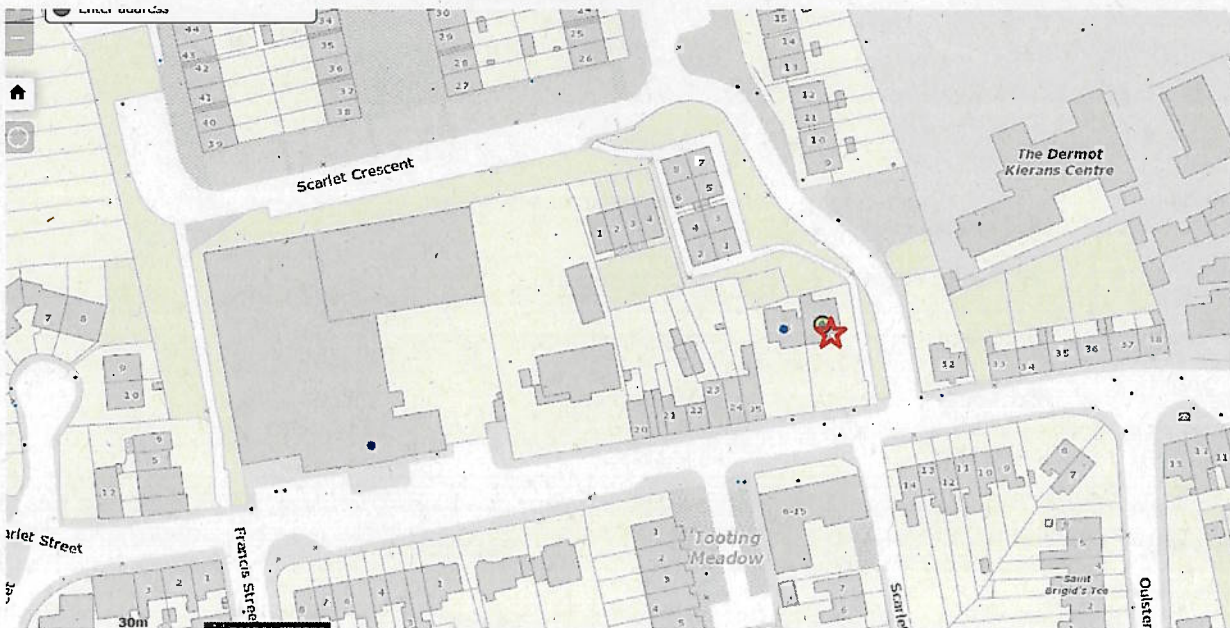


Figure 2: Location demoted by red star

Protection Status:

Under the Planning and Development Act 2000 (as amended), the Record of Protected Structures is set out in the Louth County Development Plan 2021-2027 as varied. St Patrick's, 27 Scarlet Street, Drogheda (RPS DB 338) is described as:

'A semi-detached two-bay two-storey house, built c. 1900, built as pair with house to west. Red brick walling laid in Flemish bond. House set back from road within own garden. Built as one of a pair with its neighbour to the west, is a fine example of the development in domestic architecture at the turn of the nineteenth-century.'

Planning History:



None

Description of the Structure:

The NIAH appraisal of this property includes –

- Semi-detached two-bay two-storey house, built c. 1900, built as pair with house to west.
- Gabled projecting bay to south, two-storey return to north, flat-roofed porch to south, half-dormer window to south elevation.
- Pitched slate roof, clay ridge tiles, red brick corbelled chimneystacks, cast-iron gutters on painted timber eaves course, circular cast-iron downpipes, painted timber bargeboard to south gable, clay finial.
- Red brick walling laid in Flemish bond, dog-tooth string course separating ground and first floor to south, smooth rendered walling to north and west elevations.
- Square-headed window openings, tooled limestone sills, painted timber six-over-six sliding sash windows, four-over-four sliding sash window to porch, paired four-over-four sliding sash windows to ground floor, south gable, limestone lintel to half-dormer.
- Square-headed door opening set in brick porch, flat roof, painted timber soffit supported on wrought-iron brackets, painted stone lintel, painted timber door with four flat panels, limestone threshold.
- House set back from road within own garden.

Referral Question:

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

Refurbishment works to sash windows in the front elevation of dwelling.

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.

Assessment:

Under Question 10 of the Request form, works that are proposed are described as repairs to of sash windows. It is detailed that the front windows of the property are in a very poor state – putty broken and missing in places, wood exposed and soft, glass cracked in one window and a hole in the glass of another.

A method statement pertaining to the refurbishment 5 number sash windows (one double) using existing frames and sashes prepared by Sash Window Repair Limited, Tullynacross, Donaghmoyn, Carrickmacross, Co. Monaghan and dated the 12th January 2023, provides the following methodology:

- 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 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 no hair.
- New timber staff bead fitted with no hair.
- Middle rail of sash grooved out for no hair.
- Top of back sash grooved out for no hair.
- Bottom of inside sash to be grooved out for no 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.

Having reviewed the details and methodology presented, I consider that the repair works proposed to the windows would not materially affect the character of this protected structure; or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and as such are works which do not to require planning permission.

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

None

Conclusion:

I conclude, that WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration – refurbishment 5 number sash windows (one double) using existing frames and sashes to the front elevation as detailed as follows:

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would or would not materially affect the character of protected structures or any element of the structures which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at St Patrick's, 27 Scarlet Street, Drogheda

AND WHEREAS Eimer Campbell requested a declaration on the question from Louth County Council on the 23rd January 2023,

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

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- (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 that are 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, improvement and alteration 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, and
- (iv) the proposed works would comprise development which comes within the meaning of 4(1)(h) and Section 57 of the Planning and Development Act 2000 as amended and would not therefore require planning permission.

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 the 5 timber sash windows on the front elevation of this dwelling as detailed by the Request for Section 57 Declaration and Method Statement at St Patrick's 27 Scarlett Street, Drogheda, constitutes development that is exempted development.



Signed by Inspector

PP Patricia Hughes

Patricia Hughes, Senior Executive Planner

Signed by Planning Authority Officer

J. Kelly

Joanna Kelly, Senior Planner

Date

16th March 2023

Date

16th March 2023

Tullynacross, Donaghmoyne, Carrickmacross, Co. Monaghan

DATE : 12th JANUARY 2023.
NAME : ÉIMER CAMPBELL.
ADDRESS : ST PATRICKS SCARLET ST DROGHEDA CO.LOUTH A92YT9H.

METHOD STATEMENT

Refurbishment 5 number sash windows (one double) using existing frames and sashes .

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Price for above works on 5 number sash window.	€9,000.
13.5% vat .	€1,215
Total .	€10,215.



**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: Eimer Campbell

2. Address of Protected Structure: Eircode:
St. Patrick's, Scarlet St., Drogheda, Co. Louth A92 YT9H

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

4. NIAH Ref. No. 13619126 Louth RPS Ref. No. DB 338

5. Is the structure owner occupied or rented? Owner

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

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):
No



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

10. Please provide a brief description of the nature and scale of the development proposed (both internal and external) in particular the works that you are seeking a declaration for

Repair of sash windows

Refurbishment 5 number sash windows (one double) using existing frames and sashes

Please see enclosed Method Statement and Specification for Glazing to be used

My house is a protected structure, built in 1905 approx. The front windows are in a very poor state; putty broken and missing in some places, the wood exposed and soft and the glass cracked (1 window) and a hole in the glass in another window.

Please note that the accuracy and relevance of the Declaration made by the Planning Authority is informed by the information furnished by the applicant. Any deviation from the information provided may require the re-consideration of the declaration.

11. Please provide a Site Location Map to the scale of 1:1000 clearly identifying the structure and boundaries to which this application refers. The subject structure should be outlined in red and overall landholding to be outlined in blue

I wish to apply for a declaration from Louth County Council as to the type of works as outlined above, which may or may not require permission in the above named structure.

Signed: Kimer Campbell

Date: 23.1.2023.

Daytime contact telephone number:

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It should be noted that the Council is normally obliged to issue this declaration within three months (12 weeks) of a request being made.

You will be contacted within this period to arrange an appointment for a suitably qualified person to carry out a detailed survey of the internal and external features of the structure.

Please Return Completed Form To:

Conservation, Planning Dept., Louth County Council,
Town Hall, Crowe Street, Dundalk, A91 W20C
Email: conservation@louthcoco.ie