



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:	Victor & Rachel Graham		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	16 th March 2023	Date of Inspection:	20 th April 2023
Date of Issue of Declaration:		Previous Declarations:	None on record

Address:		Location:	E	N
Name of Building:	Aras Mhuire	National Grid co-ordinates:		
Address 1:	15 Stapleton Place	O.S. Map Type:		
Address 2:	Dundalk	Map Sheet:		
Address 3:	Co. Louth	Site Number:		
Eircode:	A91 REK2			

Protection Status:	Y / N		Details:
<small>Under the Planning and development Act 2000 (as amended)</small>			
Record of Protected Structures:	Y ✓	N	D346
Architectural Conservation Area:	Y ✓	N	The Crescent ACA, Dundalk
<small>Under the Planning and development Act 2000 (as amended)</small>			
Record of Monuments and Places:	Y	N ✓	
Zone of Archaeological potential:	Y ✓	N	ZAP 2 – Dundalk
Preservation Order or Temporary P.O.:	Y	N ✓	



NIAH Registration No. (if applicable):

13707012

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 Stapleton Place, Dundalk.

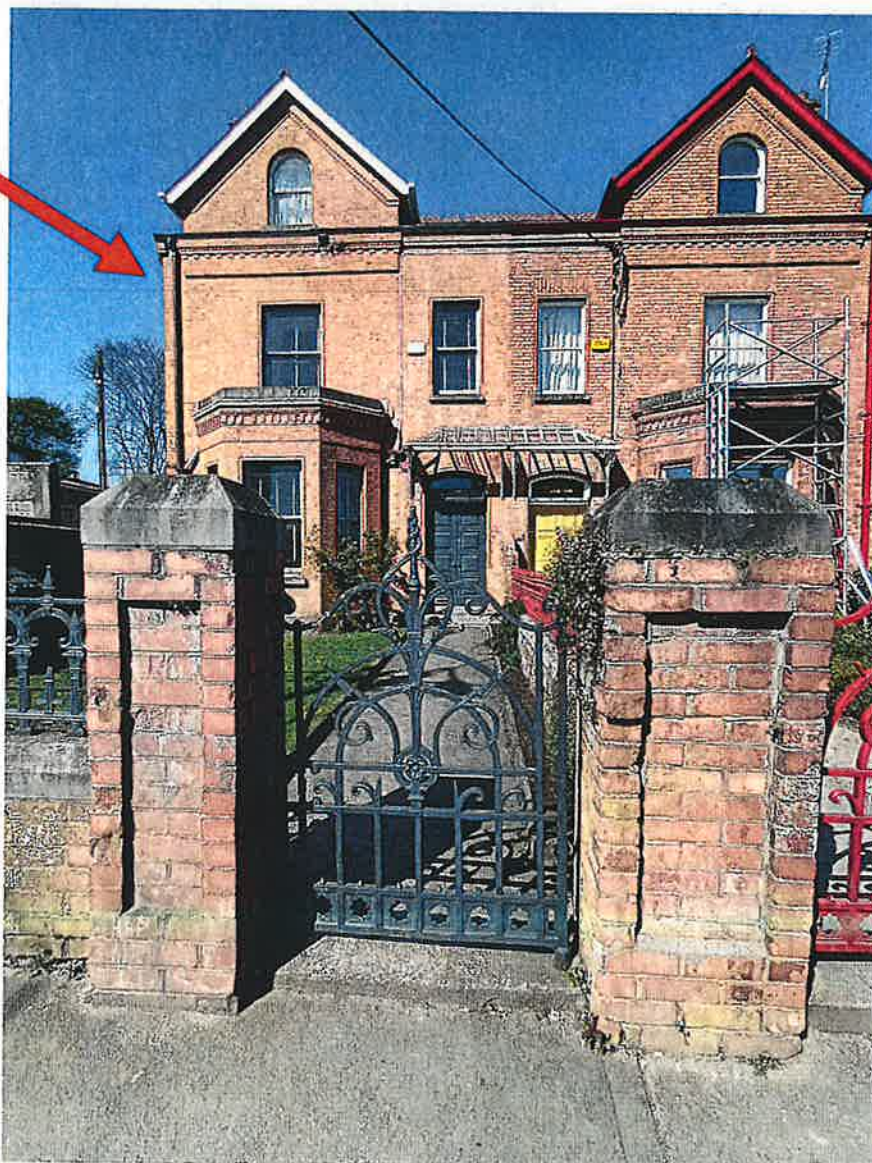


Figure 1: Front Façade – Aras Mhuire – denoted by red arrow

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.

Aras Mhuire, Stapleton Place (RPS D346) is described as:

c.1900, Edwardian two-bay two-storey with attic house. It is constructed from high-quality materials, with attractive red brick detailing contributing to its significance. The fine cast iron railings add artistic interest, while the retention of original timber sliding sash windows is also noteworthy.



Planning History:

04/520206 – M. Byrne – CHANGE OF USE FROM DWELLING/RESIDENTIAL TO OFFICE/COMMERCIAL FOR PROTECTED STRUCTURE REF. D346 – Refused on 05/10/04.

04/520325 – M. Byrne – MATERIAL CHANGE OF USE FROM RESIDENTIAL TO COMMERCIAL OF PROTECTED STRUCTURE D346 – Refused on 11/01/05.

There were 3 other incomplete applications on the site also.

Description of the Structure:

The NIAH description of this property is as follows;

- Semi-detached two-bay two-storey with attic house built c. 1900
- Canted bay window and gabled lucarne to south
- Two-storey return to north
- Pitched slate roof, hipped roof to return, crested ridge tiles, red brick shouldered corbelled chimneystacks with raised banding, moulded cast-iron gutters on corbelled eaves course, timber bargeboards to lucarne,
- Red brick walling laid in Flemish bond, projecting plinth, moulded string course, denticulated cornice to canted bay and under lucarne, dog-tooth moulding, egg-and-dart moulding to canted bay, chevron moulding to lucarne
- Square-headed window openings, roll-moulded soffits and reveals, limestone sills; round-headed window opening to attic, limestone sill, uPVC window; painted timber one-over-one sliding sash windows.
- Segmental-headed door opening under timber and glazed canopy supported on cast-iron brackets, roll-moulded brick soffit and reveals, painted timber four-panel double doors, plain-glazed overlight, granite steps.
- Set back from the road, garden to south, concrete path, red brick boundary wall, limestone coping, cast-iron railings, red brick piers with recessed panels, wrought-iron gate.

The NIAH appraisal of this properties includes –

“This handsome red brick house, dating to the turn of the nineteenth century, adds to the varied streetscape of this terrace. Displaying the characteristic graciousness of the period, it is constructed from high quality materials, with attractive red brick detailing contributing to its significance. The fine cast-iron railings add artistic interest, while the retention of original timber sliding sash windows is also noteworthy”.

Referral Question:

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

This request pertains to the restoration and repair of the existing timber sash window in the front elevation of the house, including the installation of new slim lite double glazing and works to the sliding mechanisms and painting.

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:

Under **Question 10** of the Request form, works that are proposed are described as follows:

Restoration of sashes and window frames;

1. Stripping them back to bare timber
2. Cut out any damaged or rotten timber & splice in new timber repairs.
3. Replace all glass with new slim lite double glazing units.
4. New glazing will be fitted with new Hodgsons butyl putty.
5. Fit Q-Lon seals & cords to the top, middle and bottom sashes.
6. Fit new parting beads & staff beads with new seals.
7. Refit the sashes using new weights & new ropes.
8. New polished brass ironmongery will be fitted on all windows.
9. Paint the windows with 1 coat of undercoat & 2 coats of topcoat.

I consider that the restoration and repair of the existing sliding sash timber windows in an appropriate manner as proposed, does not require planning permission.

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

- Declaration form.
- Drawings/ map submitted on 16th March 2023.
- Letter from "The Victorian Salvage & Joinery Company Ltd" detailing the works.
- Site photos taken by Planning Authority Inspector on 20th April 2023.

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 –

Restoration of sashes and window frames;

1. Stripping them back to bare timber
2. Cut out any damaged or rotten timber & splice in new timber repairs.
3. Replace all glass with new slim lite double glazing units.
4. New glazing will be fitted with new Hodgsons butyl putty.
5. Fit Q-Lon seals & cords to the top, middle and bottom sashes.
6. Fit new parting beads & staff beads with new seals.
7. Refit the sashes using new weights & new ropes.
8. New polished brass ironmongery will be fitted on all windows.
9. Paint the windows with 1 coat of undercoat & 2 coats of topcoat.



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 Aras Mhuire, 15 Stapleton Place, Dundalk, Co. Louth.

AND WHEREAS Victor & Rachel Graham requested a declaration on the question from Louth County Council on the 16th March 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 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, 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.

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 Aras Mhuire, 15 Stapleton Place, Dundalk as detailed by the Request for Section 57 Declaration and submitted information and details at Aras Mhuire, 15 Stapleton Place, Dundalk, **constitutes development that is exempted development.**

Signed by Inspector

Terence Loane, Executive Planner

Date 26/05/23

Signed by Planning Authority Officer

Joanna Kelly, Senior Planner

Date 26th May 2023

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: 344/2023

Reference No: S57 D23-02

Date Application Received: 16th March, 2023

Description: Restoration and repair of existing timber sash windows to front elevation, including the installation of new slimlite double glazing.

Name of Applicant: Victor and Rachel Graham

Location of Development Aras Mhuire, 15 Stapleton Place, Dundalk, Co. Louth A91 REK2

WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration:

Restoration of sashes and window frames;

1. Stripping them back to bare timber
2. Cut out any damaged or rotten timber & splice in new timber repairs.
3. Replace all glass with new slim lite double glazing units.
4. New glazing will be fitted with new Hodgsons butyl putty.
5. Fit Q-Lon seals & cords to the top, middle and bottom sashes.
6. Fit new parting beads & staff beads with new seals.
7. Refit the sashes using new weights & new ropes.
8. New polished brass ironmongery will be fitted on all windows.
9. Paint the windows with 1 coat of undercoat & 2 coats of topcoat.

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 Aras Mhuire, 15 Stapleton Place, Dundalk, Co. Louth.

AND WHEREAS Victor & Rachel Graham requested a declaration on the question from Louth County Council on the 16th March 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 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, 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.

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 Aras Mhuire, 15 Stapleton Place, Dundalk as detailed by the Request for Section 57 Declaration and submitted information and details at Aras Mhuire, 15 Stapleton Place, Dundalk, **constitutes development that is exempted development.**

SIGNED: J Kelly
Joanna Kelly
Senior Planner

Dated: 26th May, 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: Thomas McEvoy
Thomas McEvoy
Director of Services

Dated: 26th May, 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.335/22 dated the 01st day of September, 2022.



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:	VICTOR & RACHEL GRAHAM	
2.	Address of Protected Structure:	Eircode: A91REK2	
	15 Stapleton Place, Dundalk, Co Louth	'ARAS MUIRE'	
3.	Correspondence of Protected Structure: (if different from 2 above)		
4.	NIAH Ref. No.	13707013	Louth RPS Ref. No. D346
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):		



**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

The restoration of sashes & window frames involves the following ;

- Striping them back to bare timber.
- Cut out any damaged or rotten timber & splice in new timber repairs.
- Replace all glass with new slim lite double glazing units. *
- New glazing will be fitted with Hodgsons butyl putty.
- Fit Q-Lon seals & cords to the top, middle and bottom sashes.
- Fit new parting beads & staff beads with new seals.
- Refit the sashes using new weights & new ropes.
- New polished brass ironmongery will be fitted on all windows.
- Paint the windows with 1 coat of undercoat & 2 coats of topcoat.

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: Rachel Graham

Date: 15.03.23

Daytime contact telephone number: 0872782087

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