

## 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.

<b>Applicant Name:</b>	Geraldine Keeley		
<b>Status (i.e. Owner or Occupier):</b>	Owner		
<b>Date of Request for Declaration:</b>	1 <sup>st</sup> November 2022	<b>Date of Inspection:</b>	N/A
<b>Date of Issue of Declaration:</b>		<b>Previous Declarations:</b>	D10-02 (generic request & response relating to the sale of property)

<b>Address:</b>		<b>Location:</b>	E	N
<b>Name of Building:</b>	St Nicholas Cottage	<b>National Grid co-ordinates:</b>		
<b>Address 1:</b>	Ballymakenny	<b>O.S. Map Type:</b>		
<b>Address 2:</b>	Drogheda	<b>Map Sheet:</b>		
<b>Address 3:</b>	Co. Louth	<b>Site Number:</b>		
<b>Eircode:</b>	A92K2NB			

<b>Protection Status:</b>	<b>Y / N</b>		<b>Details:</b>
<small>Under the Planning and development Act 2000 (as amended)</small> Record of Protected Structures:	Y ✓	N	LHS 021-016
Architectural Conservation Area:	Y	N ✓	
<small>Under the Planning and development Act 2000 (as amended)</small> Record of Monuments and Places:	Y ✓	N	Ass. with Boyne Valley Baptist Church & Graveyard immediately south of Cottage
Zone of Archaeological potential:	Y ✓	N	As above.
Preservation Order or Temporary P.O.:	Y	N ✓	

NIAH Registration No. (if applicable):

13902113

### 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, St. Nicholas Cottage, Ballymakenny



### 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.

This property is included in the RPS and is described as being a detached three-bay single-storey former school, built c. 1840, now in private domestic use. Rectangular-plan, single-storey lean-to extension to east.

This former school house is attractively proportioned while the plaque with its finely-executed proverb inscription adds an interesting reflective appeal. Now in private use.

### Planning History:

None

### Description of the Structure:

The description of the Cottage as set out in the NIAH building Survey is:

- Detached three-bay single-storey former school, built c. 1840, now in private domestic use
- Rectangular-plan, single-storey lean-to extension to east. Hipped slate roof, clay ridge and hip tiles, red brick chimneystack, dormer windows to north and south, painted timber overhanging eaves with sheeted soffit and modillions, cast-iron gutters, hopper and circular downpipe to south
- Roughcast-rendered walling, smooth rendered plinth
- Plaque to west "Train up your child in the way he should go and when he is old he will not depart from it Prov. 22 vg"
- Square-headed window openings, smooth rendered soffits and reveals, limestone sills, rendered hood mouldings with label stops, uPVC windows, metal casement window to extension
- Pointed arch door opening to west, smooth rendered reveals, painted timber vertically-sheeted double doors, painted curvilinear traceried overlight. House set back from road in own grounds, garden to west, carpark to south, bounded from road to west by wrought-iron railings, smooth rendered gate piers, wrought-iron gates.

The NIAH appraisal of this property also includes –

'This former school house is attractively proportioned while the plaque with its finely-executed proverb inscription adds an interesting reflective appeal. Now in private use, this building would once have had great significance within the religious and educational life of Ballymakenny and the surrounding area'.

**Referral Question:**

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

This request pertains to 7 windows and front door

**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:

7 no. new windows and front door.

The applicant has confirmed that the windows and the door proposed are to comprise of uPVC

As included in the NIAH description, the current windows in the property are not original. They comprise of uPVC windows to the Cottage and metal casement window to extension.

Nevertheless the proposed replacement of these with new PVC windows would materially affect the character of this protected structure. On this basis planning permission would be required.

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

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 – installation of 7 windows and a front door, which comprise of uPVC, in St Nicholas Cottage, Ballymakenny, Drogheda, would or would not materially affect the character of this protected structure or any element of this structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest

**AND WHEREAS** Geraldine Keeley requested a declaration on the question from Louth County Council on the 1<sup>st</sup> November 2022.

**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 materially affect the character of the structure,

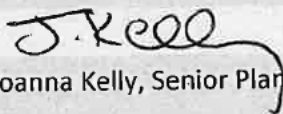
**NOW THEREFORE** Louth County Council, in exercise of the powers conferred on it by section 57 of the 2000 Act as amended, hereby decides that the proposed works above, to St Nicholas Cottage, Ballymakenny, Drogheda as detailed by the Request for Section 57 Declaration, **constitutes development that is NOT exempted development.**

Signed by Inspector

Patricia Hughes, Senior Executive Planner

Date

Signed by Planning Authority Officer

  
Joanna Kelly, Senior Planner

Date

12/12/2022

**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:** 1017/2022

**Reference No:** S57 LHS22-07

**Date Application Received:** 03 November 2022

**Description:** Installation of 7 new windows and front door

**Name of Applicant:** Geraldine Keeley

**Location of Development** St. Nicholas Cottage, Ballymakenny,  
Drogheda, Co. Louth

**WHEREAS** a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration – installation of 7 windows and a front door, which comprise of uPVC, in St Nicholas Cottage, Ballymakenny, Drogheda, would or would not materially affect the character of this protected structure or any element of this structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest

**AND WHEREAS** Geraldine Keeley requested a declaration on the question from Louth County Council on the 03<sup>rd</sup> November, 2022

**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 materially affect the character of the structure,

**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 St Nicholas Cottage, Ballymakenny, Drogheda as detailed by the Request for Section 57 Declaration, **constitutes development that is NOT exempted development.**

SIGNED:

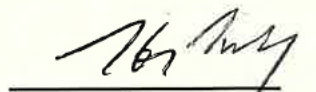
  
Joanna Kelly  
Senior Planner

Dated: 16th December, 2022

**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 refused** for the works, as described above.

SIGNED:

  
Thomas McEvoy  
Director of Services

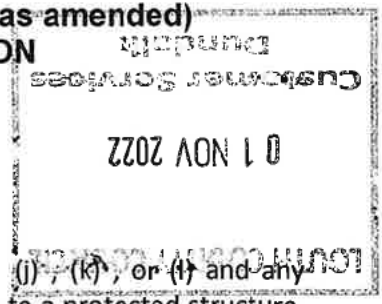
Dated: 16th December 2022

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

LHS 22-07  
Due 12/23



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: *GERALDINE KEFLEY*
2. Address of Protected Structure: *SE NICHOLAS COTTAGE BALLYHARENNY DROGHEDA CO LOUTH* Eircode: *A92K2NB*
3. Correspondence of Protected Structure: (if different from 2 above)
4.  NIAH Ref. No. *13902113*  Louth RPS Ref. No. *LHS021-016*
5. Is the structure owner occupied or rented? *OWNER*
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): *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

7 NEW WINDOWS & FRONT DOOR

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: *Geraldine Keely*

Date: *18-10-2020*

Daytime contact telephone number: [REDACTED]

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](mailto:conservation@louthcoco.ie)