



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:	Elizabeth Simao		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	18 th May 2023	Date of Inspection:	25 th July 2023
Date of Issue of Declaration:	3 rd August 2023	Previous Declarations:	None on record

Address:		Location:	E	N
Name of Building:		National Grid co-ordinates:		
Address 1:	Main Street,	O.S. Map Type:		
Address 2:	Castlebellingham	Map Sheet:		
Address 3:	Co. Louth	Site Number:		
Eircode:	A91 D65X			

Protection Status:	Y / N		Details:
<small>Under the Planning and development Act 2000 (as amended)</small>			
Record of Protected Structures:	Y x	N	LHS015-032
Architectural Conservation Area:	Y x	N	Castlebellingham ACA no. 29
<small>Under the Planning and development Act 2000 (as amended)</small>			
Record of Monuments and Places:	Y	N x	
Zone of Archaeological potential:	Y	N x	
Preservation Order or Temporary P.O.:	Y	N x	



NIAH Registration No. (if applicable):

13826006

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 Main St, Castlebellingham



Existing front/roadside elevation.



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.

House, Main St, Castlebellingham (RPS LHS015-032) is described as:

Detached multiple-bay two-storey house, built, c. 1850. L-plan, three-bay rectangular pitched roof west wing, three-bay rectangular hipped roof south wing with full-height conical-roofed semi-circular bow to west side of south elevation, single-bay square hipped roof link between wings, single-bay single-storey lean-to entrance porch to south gable of west wing, two-storey extensions to rear



Planning History:

23/60117 –1. The removal of original roof slates, reinforcement of existing timber roof structure to the front and back of the main pitched roof, installation of new roofing felt, timber battens and fibre cement roof tiles, 2. Removal of masonry chimney on main pitched roof and installation of new timber rafters and felt in this area, 3. Removal of original cast iron gutters, downpipes, timber fascia and soffit and replacement with uPVC gutters, fascia, soffit, down pipes, 4. Internal alterations and refurbishments, including; a. the installation of new ground floor bathroom sanitary ware, floor and wall tiling, b. removal of wallpaper in 6 no. first floor rooms, and c. partial removal of original skirting and coving in 3 no. ground floor rooms and installation of drylining in these areas.

This application was refused by LLC for the following reason:

- The development sought to be retained conflicts with policy objectives BHC 20 and BHC 31 of the Louth County Development Plan 2021 – 2027 (as varied) in that the use of inappropriate roof materials and rainwater goods to the existing house and the demolition of a large original chimney have an undue negative impact the historical character and specific elements of interests in this protected structure. The development if permitted, would set an undesirable precedent for other inappropriate design responses in the surrounding area that would erode the character and setting for which the architectural conservation area is designated and would result in the unnecessary removal of key elements of protected structures that contribute to their special historical and architectural character and heritage significance for which they are designated. The development is, therefore, contrary to the proper planning and sustainable development of this area

UD 22/U232- Warning letter in September 2022 by Louth County Council relating to alleged 'unauthorized works to a protected structure (015-032) within an Architectural Conservation Area'.

Description of the Structure:

The NIAH description of this property is as follows;

-Detached multiple-bay two-storey house, built, c. 1850. L-plan, three-bay rectangular pitched roof west wing, three-bay rectangular hipped roof south wing with full-height conical-roofed semi-circular bow to west side of south elevation, single-bay square hipped roof link between wings, single-bay single-storey lean-to entrance porch to south gable of west wing, two-storey extensions to rear. Slate roofs, clay ridge and hip tiles, smooth rendered and red brick corbelled and flat-capped chimneystacks, finial to north gable of west wing, moulded cast-iron gutters on overhanging eaves, painted timber decorative eaves brackets on stone corbels to south wing and link, painted timber projecting bargeboards to west wing. Unpainted roughcast rendered walling, painted smooth rendered plinth. Square-headed window openings, painted smooth rendered reveals and soffits, painted stone sills, painted timber sliding sash windows, six-over-six to ground floor and three-over-six to first floor west elevation, one-over-one to south wing and link. Square-headed door openings, painted smooth rendered reveals and soffit; painted timber door with five panels, brass door furniture, plain-glazed overlight, granite step to west elevation of porch; painted timber double doors each with one raised-and-fielded bottom panel and one oblong glazed upper panel, stained glass overlight, granite steps to south wing bow. Stone outbuilding to east, pitched and hipped slate roof, red brick dressings to openings. Set in own grounds falling to Glyde river to south, rubble stone boundary wall to west with soldier coping, unpainted smooth rendered gate piers, wrought-iron pedestrian gate, wrought-iron railing with cast-iron embellishments on unpainted smooth rendered canted plinth wall running south to river incorporating pedestrian and vehicular gates.

The NIAH appraisal of this properties includes –

Attractively sited overlooking the River Glyde this sprawling house displays subtle embellishment. The corbelled timber brackets, stained glass overlight and elegant bow to the south wing and varied window styles conspire to make this a noteworthy structure. The railings and gates extending to the south, possibly marking the site of the village green, are a strong feature within the heritage of Castlebellingham.

Referral Question:

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

This request pertains to:

-
- Replacement of windows
 - Replacement of heating system
 - Expanding kitchen into the dining room by removing a dividing wall
 - New toilet
 - Painting and decorating
 - Updating/rewiring electricity system
-

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:

It is noted that the applicant has not provided details of the proposed replacement window or information relating to scale of works required to replace the heating system, rewire the house, removal walls and provision of new toilet. I have reviewed the NIAH record in respect of this property and have inspected the site from the street. The windows consist of painted timber sliding sash, six-over-six to ground floor and three-over-six to first floor west elevation, one-over-one to south wing and link. The NIAH appraisal states that the varied window styles conspire to make this a noteworthy structure.

All windows are original as described above.

The windows have been well maintained and there is no visible sign of any damage or decay. No details have been provided detailing of the proposed replacement windows.



I conclude that the works proposed – to remove any of the windows in this property and to replace them would materially affect the character and the integrity of the protected structure and as a result would require planning permission. Furthermore, no details/ information relating to scale of works required to replace the heating system, rewire the house, removal of walls and provision of a new toilet has been provided to enable an assessment of the proposed works and their impact on the interior of the protected structure.

Couple this with the significant unauthorized development carried out at this property as set out above, I consider that the Planning Authority is precluded from issuing a positive determination in this instance.

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

N

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:

- Replacement of windows
- Replacement of heating system
- Expanding kitchen into the dining room by removing a dividing wall
- New toilet
- Painting and decorating
- Updating/rewiring electricity system

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 the dwelling on Main St., Castlebellingham, Co. Louth.

AND WHEREAS Elizabeth Simao requested a declaration on the question from Louth County Council on the 18th May 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,
- (e) Section 77(1) of the Planning and Development Act 2000, as amended,
- (f) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (g) the nature and extent of works set out in the referral question in respect of this structure,
- (h) the planning history of the site and documentation submitted with this section 57 declaration application.



AND WHEREAS Louth County Council has concluded that:

- (i) All of the stated works to the protected structure comprise of works and are, therefore, development, and
- (ii) All of the stated works would 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, and
- (iii) Having regard to the planning history on the site and works which have been undertaken without the benefit of planning permission, the works outlined in this declaration cannot be considered works that would comprise development which would not come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000 as amended as the proposed development would compound existing unauthorized works and would materially affect the character of the protected structure and would 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, at Main St, Castlebellingham as detailed by the Request for Section 57 Declaration **constitutes development that is not exempted development.**

Signed by Inspector

Brian Brooks, Executive Planner

Date

02/08/23

Signed by Planning Authority Officer

Joanna Kelly, Senior Planner

Date

2/8/2023

Noted
ML
3/8/23

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: 532/2023

Reference No: S57 LHS23-03

Date Application Received: 18 May 2023

Description:

- Replacement of windows
- Replacement of heating system
- Expanding kitchen into the dining room by removing a dividing wall
- New toilet
- Painting and decorating
- Updating/rewiring electricity system

Name of Applicant: Elizabeth Simao

Location of Development Main Street, Castlebellingham A91 D65X

CONCLUSION

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

- Replacement of windows
- Replacement of heating system
- Expanding kitchen into the dining room by removing a dividing wall
- New toilet
- Painting and decorating
- Updating/rewiring electricity system

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 the dwelling on Main St., Castlebellingham, Co. Louth.

AND WHEREAS Elizabeth Simao requested a declaration on the question from Louth County Council on the 18th May 2023,

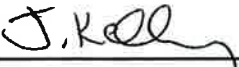
AND WHEREAS Louth County Council in considering this referral, had regard particularly to –

- 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,
- e) Section 77(1) of the Planning and Development Act 2000, as amended,
- f) the Architectural Heritage Protection Guidelines for Planning Authorities,
- g) the nature and extent of works set out in the referral question in respect of this structure,
- h) the planning history of the site and documentation submitted with this section 57 declaration application.

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, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest,
- (iii) having regard to the planning history on the site and works which have been undertaken without the benefit of planning permission, the works outlined in this declaration cannot be considered works that would comprise development which would not come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000, as amended, as the proposed development would compound existing unauthorized works and would materially affect the character of the protected structure and would 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, at Main St, Castlebellingham as detailed by the Request for Section 57 Declaration **constitutes development** that is **not exempted development**.

SIGNED: 
Joanna Kelly
Senior Planner

Dated: 04th August, 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 Refused** for the works, as described above.

SIGNED: 
Thomas McEvoy
Director of Services

Dated: 04th August, 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.

BM 10.75

11.4 +

8.2 +

Main Street

Grave Yards

5			
4			
3			
2			
1			
	DATE	BY	DESCRIPTION OF REVISION



Unit 2, Quayside Business Park,
Mill Street, Dundalk, Co. Louth.
design@deniswilliams.ie
deniswilliams.ie Tel: 042-9326917

CLIENT NAME Elizabeth Simao
Address: Mill Street, Dundalk, Co. Louth.



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: Elizabeth Simao
2. Address of Protected Structure: Eircode: A91 D65X

Main Street, Castlebellingham, A91 D65X

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

4. NIAH Ref. No. 13826006 Louth RPS Ref. No. LHS015-032

5. Is the structure owner occupied or rented? 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):

Letter received from Enforcement, ref: 22U232



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
- Installation or repair of electrical services
 - Painting and decorating
 - Replacement of windows
 - Replacement of heating system
 - Routine maintenance
 - Updating/Rewiring (electricity) present over 50 year old
 - Expanding kitchen to dining room by removing dividing wall
 - Add small toilet on Room 12, 11,7

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:

Date: 11.5.2023

Daytime contact telephone number: 0894616154

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