



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:	Ciara Hartlin		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	17 th January 2025	Date of Inspection:	03/04/2025
Date of Issue of Declaration:	07 th April 2025	Previous Declarations:	None

Address:		Location:	
Name of Building:		National Grid co-ordinates:	E N
Address 1:	18 Saint Marys Cottages	O.S. Map Type:	
Address 2:	Drogheda	Map Sheet:	
Address 3:	Co. Louth	Site Number:	
Eircode:	A92 YWF3		

Protection Status:	Y / N		Details:
Under the Planning and development Act 2000 (as amended)			
Record of Protected Structures:	Y ✓	N	Louth RPS DB-389
Architectural Conservation Area:	Y ✓	N	Saint Marys Cottages
Under the Planning and development Act 2000 (as amended)			
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):

N/a

Introduction:

The referrer has sought a Section 57 Declaration as per the Planning and Development Act 2000 (as amended) in respect of proposed works to a protected structure at 18 Saint Marys Cottages, Drogheda, Co. Louth (shown below.)



Figure 1: Site Location (Google Maps)

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.

The subject building is included within the RPS and is described as –

*“Terraced three bay single storey former Cairnes Trust workers house, dated 1892 now in private domestic use.”
Whilst the appraisal refers to “One of a terrace of workers houses built by Cairnes Brewery.”*

Planning History:

The building is not recorded within the National Built Heritage Service's NIAH Survey data.

The submitted details refer to the building's use as a dwelling. No previous Section 5 applications have been submitted to Louth County Council's Planning Authority in relation to the application site.

Description of the Structure:

It is noted that the subject building has not been registered on the NIAH. The application has submitted correspondence from the department noting that the property was likely excluded in error. Given that the subject property is mid terrace and the NIAH appraisal expressly states the entire row of 20 dwellings, I consider the NIAH description accurate and applicable in the assessment of this application.

The **NIAH** description of this regionally important property is as follows:

"Terraced three-bay single-storey former worker's house, dated 1892, now in private domestic use. Lean-to return to east, gabled canopy to door, west elevation. Pitched slate roof, clay ridge tiles, red brick corbelled chimneystacks, cast-iron gutters on eaves, circular cast-iron downpipe. Red brick walling laid in Flemish bond, smooth rendered plinth course, continuous red brick sill course and recessed band to lintel level. Segmental-headed window openings, roll-moulded red brick soffits, painted timber casement windows. Segmental-headed door opening surmounted by gabled canopy, painted timber bargeboards and finial, supported on cast-iron brackets, roll-moulded red brick soffit, plain-glazed overlight, painted timber door with six flat panels, polychromatic tiled entrance; red brick plinth walls flanking entrance. Located on west-facing slope, garden to east, separated from house by concrete lane. Rear yard to east. One of a terrace of twenty former workmen's houses built on height on south bank of river, facing westwards, advanced gable-fronted blocks to end houses with tooled limestone plaques "CAIRNES TRUST, WORKMANS HOUSES ERECTED 1892". Gardens to west, accessed by gates, separated from houses by concrete path, walled rear yards to east, bounded by varied walling, laneway giving access to yards. Steps to north-west giving pedestrian access to terrace."

The **NIAH** appraisal of this properties includes –

"This attractive row of twenty worker's houses was built in 1892 by the Cairnes Trust of Cairne's Brewery for the workers in their brewery, this terrace is a highly attractive example of philanthropic housing at the end of the nineteenth century. Their modest designs are enhanced by the canopies with their finely crafted bargeboards and brackets. Situated on a height overlooking the town, these houses with their associated gardens and access lanes form a charming insular complex which is an important feature within the architectural heritage of Drogheda."

Referral Question:

The submitted question as set out in Question 10 of the S57 declaration request form states:

"I wish to upgrade my existing heating system from oil burning to electric. Decision is driven by benefits, to include cleaner operation without dangerous, high electricity and lost savings. I wish to install solar panels on the roof, given orientation (southeast), both front and back. To maximise sunlight capture, I wish to remove oil burner from shed, and replace existing radiators throughout the house with wall mounted electric radiators."

Legislative Provision:

Section 57(1) of the Planning and Development Act 2000, as amended, states:

"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 Planning and Development Act 2000, as amended, 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 have reviewed the RPS and NIAH records in respect of this property. I have also inspected the property.

The applicant has stated that the proposed position of the solar panels on the roof will be both on the front and rear elevation.

1. Solar panels on front elevation

Having regard to profile and nature of solar panels, the subject building located within a uniform terrace and the appraisal identifying the architectural and cultural merit of the roof, I consider that the installation of solar panels to the front elevation would materially affect the external appearance of the structure.

2. Solar panels on the rear elevation

Given the building orientation, the existing urban fabric with ad-hoc development to the rear of the terrace. I do not consider that the installation of solar panels to the rear (east) elevation would materially affect the external appearance of the building.

3. Upgrade of heating system

Due to the lack of sufficient details illustrating the works involved with replacing the existing heating system, a precautionary approach must be adopted.

The proposed works involves internal fabric being removed, the full extent of its removal has not been clearly documented, and the replacement materials have not been specified. A full photographic record of the internal fabric of the existing building and full details including plans and particulars of the proposed plant associated with the new electric heating system are required to fully assess the impact of the proposal.

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

- Request for Section 57 Declaration (date signed 17/01/2025)
- Correspondence from the Department of Housing, Local Government and Heritage advising of the NIAH records

Conclusion No 1:

WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration would or would not materially affect the character of protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at 18 Saint Marys Cottages, Drogheda.

2. Installation of solar panels on the front elevation.

3. Upgrade of the heating system

WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration would or would not materially affect the character of protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at 18 Saint Marys Cottages, Drogheda

1. The installation of solar panels on the rear elevation

AND WHEREAS Ciara Hartlin requested a declaration on the question from Louth County Council on the 21st of January 2025

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 special interest pertaining to the protected structure in question and the nature and extent of works set out in the referral question which seeks whether solar panels to be placed on the rear roof of 18 St Marys Villa would materially affect the character of the protected structure and require planning permission.

AND WHEREAS Louth County Council has Council

- (i) the stated works to the protected structure comprise of works and are, therefore, development, and
- (ii) the stated works, in that the installation of solar panels to the rear elevation (east), 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, that being the installation of the solar panels to the rear roof elevation (east) only, would consist of the carrying out of works for the maintenance, improvement and alteration of this structure which would 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 installation of solar panel to the rear elevation of 18 Saint Marys Cottages, Drogheda, Co. Louth as detailed above, **constitutes development that is exempted development.**

Conclusion No 2:

WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration would or would not materially affect the character of protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at 18 Saint Marys Cottages, Drogheda.

2. Installation of solar panels on the front elevation.
3. Upgrade of the heating system

AND WHEREAS Ciara Hartlin requested a declaration on the question from Louth County Council on the 21st of January 2025

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 special interest pertaining to the protected structure in question and
- g) The nature and extent of works set out in the referral question which seeks whether solar panels to be placed on the front roof and the replacement of the existing heating system 18 St Marys Villa would materially affect the character of the protected structure and require planning permission

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, in that the installation of solar panels to the front roof elevation (west) materially affect the character of the structure, which would render the appearance inconsistent with the character of the structure or of neighbouring structures.
- (iii) based on the lack of detail with regard to the upgrade/replacement of the existing heating system it cannot be determined that such 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,

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 numbered items 2 and 3 above to 18 Saint Marys Cottages, Drogheda, Co. Louth as detailed above, **constitutes development that is not exempted development.**

Signed by Inspector

Signed by Planning Authority Officer



Eamonn McArdle, Executive Planner

Turlough King, Senior Executive Planner

Date

Date

10th April 2025

10th April 2025