



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:	John McAuley		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	17 th January 2023	Date of Inspection:	5 th April 2023
Date of Issue of Declaration:	6 th April 2023	Previous Declarations:	No record

Address:		Location:	E	N
Name of Building:	Kildemock House	National Grid co-ordinates:		
Address 1:	Kildemock	O.S. Map Type:		
Address 2:	Ardee	Map Sheet:		
Address 3:	Co. Louth	Site Number:		
Eircode:	A92 W3CH			

Protection Status:	Y / N	Details:
Under the Planning and development Act 2000 (as amended)		
Record of Protected Structures:	Y ✓	N Lhs 017-089
Architectural Conservation Area:	Y	N ✓
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):

13901708

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 – Kildemock House, Ardee.



Figure 1 - Front (North) facade



Figure 2 - Side (East) elevation

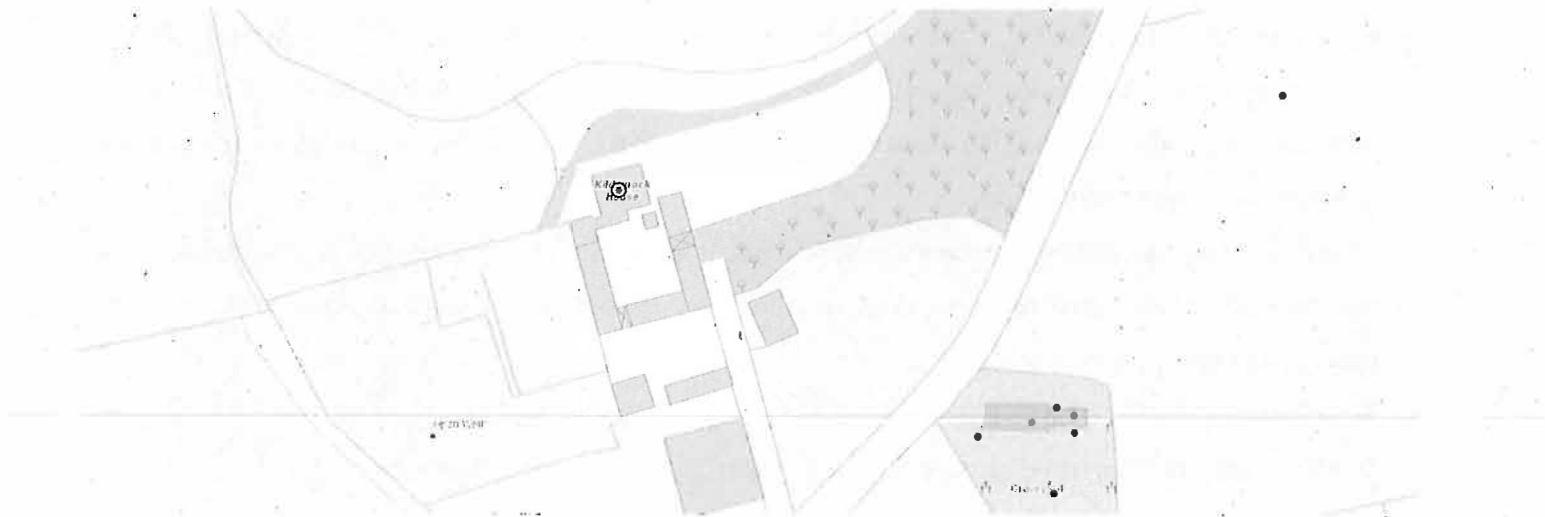


Figure 3 - Site Layout

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.

Kildemock House (Lhs017-089) is described as:

Kildemock House is a fine late eighteenth-century country house with handsome façade. The simple well-proportioned layout gives it elegance, as do the original timber sliding sash windows. The fine pedimented doorway introduces a classical element to the design, enhanced further by the delicate oversight, and attractive sweeping flight of steps incl. outbuildings to the north.

A detached five-bay three-storey over basement former rectory, built c. 1780, now in use as private house

Planning History:

None

Description of the Structure:

- Detached five-bay three-storey over basement former rectory, built c. 1780, now in use as private house.
- Single-storey flat-roofed extension and hipped roof porch to west.
- Pitched slate roofs, clay ridge tiles, stone verge coping to gables, red brick corbelled chimneystacks, uPVC gutters, painted smooth rendered corbelled eaves course, circular cast-iron and uPVC downpipes.
- Painted roughcast rendered walling to east and south elevations, smooth rendered ruled-and-lined walling to north, painted to rear elevation, tooled chamfered ashlar limestone plinth course.
- Square-headed window openings, painted smooth rendered slightly projecting reveals, tooled limestone sills; painted timber three-over-six sliding sash windows to basement, six-over-six to ground and first floors, three-over-three to second floor, eight-over-eight to lower level of south elevation.

- Square-headed door opening, painted moulded surround flanked by pilasters with console brackets supporting triangular pediment; painted timber door with eight raised-and-fielded panels surmounted by decorative overlight; accessed by flight of splayed limestone steps flanked by wrought-iron handrails, wrought-iron boot scraper to base.
- Ranges of stone outbuildings to north surrounding yard, pitched slate roofs, coursed rubble stone walling, red brick and tooled limestone dressings to openings, painted timber vertically-sheeted doors, stone bellcote and bell.
- House situated in own extensive grounds, garden to east and south, entrance to north-east, squared ashlar limestone gate piers, pyramid caps, wrought-iron gates, gate lodge to south of gates.

The NIAH appraisal of this properties includes –

'Kildemock House is a fine late eighteenth-century country house with handsome façade. The simple well-proportioned layout gives it elegance, as do the original timber sliding sash windows. The fine pedimented doorway introduces a classical element to the design, enhanced further by the delicate overlight, and attractive sweeping flight of steps. The outbuildings to the north ensure that this house offers much to the architectural heritage of the area.'

Referral Question:

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

This request pertains to the Repair/Replacement of 5 original sash windows.

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:

Proposed Works

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

- This request pertains to the Repair/Replacement of 5 original sash windows which are almost completely compromised.
- Glazing to be replaced with slimlite double glazing



Conservation Method Statement

A Conservation Method Statement prepared by Sheridan Heritage referencing the restoration of the original sliding sash windows and submitted on 27th January, 2023 as part of the applicants' application under the Built Heritage Investment Scheme 2023

Scope of Works include:

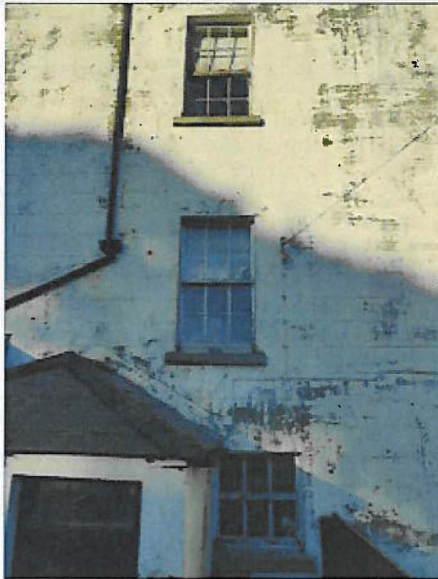
1. Removal of the existing sashes and bringing them to workshop
2. Stripping them back to bare timber, cutting out damaged or rotten timber and splice in new timber
3. Fitting Q-Lon seals and cords to sashes
4. Finish by painting with 2no. undercoats and topcoat
5. Refit sashes using new weights
6. Replace all glass with new slimlite double glazing units

The following clarification was sought in respect of the proposed works:

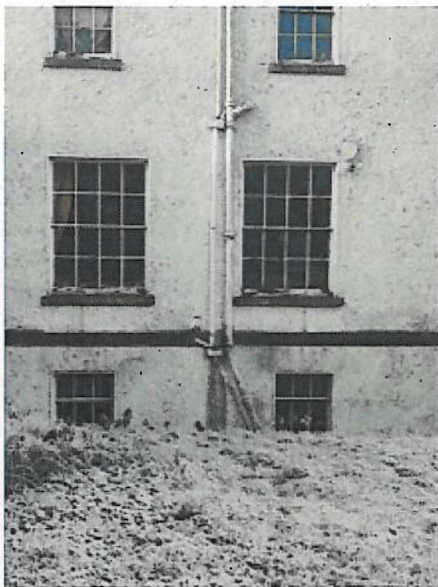
1. **Specifies what works are proposed to 5 windows** – please submit drawings, photos for e.g. which identify which windows of the property are referred to
2. Includes '**Repair/ Replacement**' – Conservation principles detail historical fabric should be repaired and only replaced if repairs are not feasible. With windows most often sections can be repaired and in instance only lower sections may require new timber spliced into frame. Clarification of the precise works proposed is required in respect of each of the 5 windows.
3. Should replacement of any of the windows be proposed, confirmation that they are beyond repair from a person competent in architectural conservation, will be required and design details of new windows submitted which must be replicates of the original windows.
4. **Glazing to be replaced with slimlite** – please submit cross section of existing original glazing bars to demonstrate that they can accommodate same.

A response submitted on the 20th March 2023 confirmed:

- (a) The Declaration pertains to 3no. windows on the south facing elevation (rear of house) and 2no. kitchen windows in the east elevation.



Photograph 1- 3no. windows on the south facing elevation (rear of house)



Photograph 2 - 2no. kitchen windows (larger windows) in the east elevation.

(b) Also submitted was a second window Conservation Report that detailed:

- Windows haven't received the required attention over the years and are now in a complete state of disrepair
- The five selected windows are in such poor condition that repair would effectively mean rebuilding them.
- The corner joints and several glazing bars need new timber scarfed in, concerns that there would be a substantial loss of strength as well.
- The timber is saturated but this does not mean that it is irreparable.
- The sash members have warped, the meeting rails do not meet and the timber has warped to the degree that significant amounts of new material would be needed to make it weather tight. Notes that repairs can be tailored to fit the distortion.

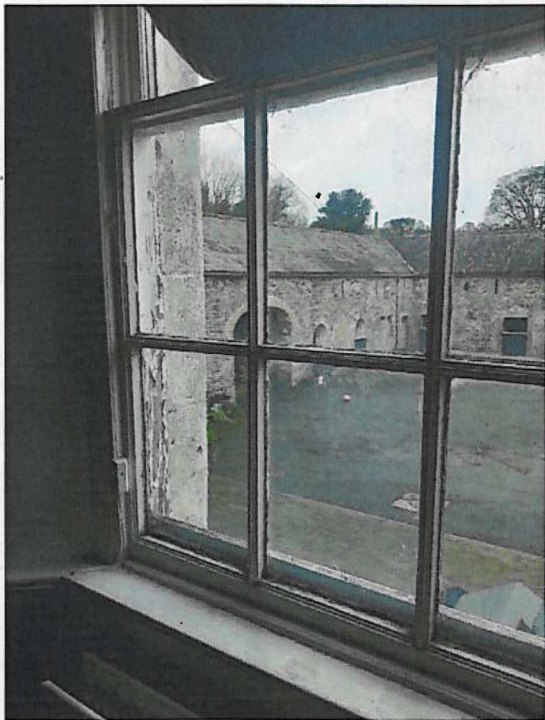
- The current sashes are sealed shut. All cills are decayed and the frames have warped and are out of shape.
- No top and bottom sashes need to be replaced. Bottom rails and cills have rotten section and would require a full replacement.
- Putty is hard and cracked in places. Ironmongery is broken and missing on several windows.
- Suggests storage of the old sashes safely so that the glass could be reused on future window restorations.

The Report concludes that these windows are beyond the stage of repair and that restoration of same would result in more restored sections than originals and recommends that all five windows be replaced. Some details pertaining to replacement windows prepared Sheridan Heritage has been submitted on the 5th April 2023.

Site Inspection

I inspected the 5no. windows and viewed them internally and externally. Below are photographs taken of the various windows and their surrounds.







Assessment

I concur with Sheridan Heritage's assessment of the windows in that they evidently have not received the required attention over the years and that there are matters that do need attention.

However, from my inspection, the matters detailed in this assessment are general to all the windows and not specific to each window. All the matters listed are not common to all of these windows.

I noted that:

- Generally, all windows are very much intact. The hall window at the upper level would appear to be in a poorer condition.
- The paint to the exterior is flaked and needs attention.
- The glazing bars holding the glass are generally in a sound condition.
- A saturated section of timber to the bottom of a kitchen window was apparent. While this may be common to other windows, these sections would appear to be localised and limited to the bottom timber(s). These are usually the first section of historic windows that require repair as it is where moisture may gather. As the Report submitted references, this can be dried and this does not mean that they are irreparable. Sections will require new timber splicing.
- Ironmongery associated with these windows comprises of a single catch which I note on some windows. There may be other Ironmongery items not apparent. In any case this matter can be easily remedied.
- It is common that sash windows become sealed shut. This is something I am confident skilled craft persons can address.
- Putty can be reapplied.

Conclusion

The NIAH appraisal of Kildemock House specifically references the windows and describes '*Square-headed window openings, painted smooth rendered slightly projecting reveals, tooled limestone sills; painted timber three-over-six sliding sash windows to basement, six-over-six to ground and first floors, three-over-three to second floor, eight-over-eight to lower level of south elevation. It further states that 'Kildemock House is a fine late eighteenth-century country house with handsome façade. The simple well-proportioned layout gives it elegance, as do the original timber sliding sash windows.*

The windows and glazing are all original to this property which dates to c. 1780. As the above description references that these windows contribute to the elegance of this house.

Restoration of Windows

Having regard to my assessment above, I consider that these windows can be restored. The Scope of the works set out in the Conservation Method Statement prepared by Sheridan Heritage and submitted on the 27th January, 2023 are generally acceptable.

The replacement of the original glazing which is in perfect condition, with new slimlite double glazing units and the use of new weights would result in the loss of historic fabric which materially affect the character of the protected structure and are not necessary.

Replacement of Windows

The replacement of the windows would result in the undue loss of original, historic fabric of this property which would materially affect the character of the protected structure. As such I do not consider that the works proposed are exempted development.

All windows (some c. 30 windows) in this property are original windows. I would be concerned that the loss of the 5no. original windows, that are the subject of this Declaration, would be setting a precedent for the further removal of windows in this property, which would result in the further unnecessary, significant loss of historic fabric.

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

- N/A

Conclusion:

Conclusion No. 1

I conclude, that **WHEREAS** a question has arisen as to whether the proposed development under Section 10 of the Request for Section 57 Declaration: –

Repair of 5 original sash windows (3no. on rear elevation to the stairway and 2no. kitchen windows on east elevation as illustrated by submitted photographs) as detailed in the Scope of Works set out in the Conservation Method Statement prepared by Sheridan Heritage and submitted to the Planning Authority on the 27th January, 2023 in so far as they relate to the:

1. Removal of the existing sashes and bringing them to workshop
2. Stripping them back to bare timber, cutting out damaged or rotten timber and splice in new timber
3. Fitting Q-Lon seals and cords to sashes
4. Finish by painting with 2no. undercoats and topcoats



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 Kildemock House, Ardee

AND WHEREAS John McAuley requested a declaration on the question from Louth County Council on the 17th 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,
- (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
- (g) the architectural character of the protected structure in particular the existence of the original timber sliding sash windows.

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, as detailed by the Request for Section 57 Declaration and detailed in the Scope of Works set out in the Conservation Method Statement prepared by Sheridan Heritage and submitted on the 27th January, 2023 (numbered 1-4 above), to Kildemock House, Ardee, **constitutes development that is exempted development.**

Conclusion No.2

I conclude, that the **WHEREAS** a question has arisen as to whether the proposed development under Section 10 of the Request for Section 57 Declaration:

Repair of 5 original sash windows (3no. on rear elevation to the stairway and 2no. kitchen windows on east elevation as illustrated by submitted photographs) as detailed in the Scope of Works set out in the Conservation Method Statement prepared by Sheridan Heritage and submitted on the received on 27th January, 2023 in so far as they relate to the:

5. Refit sashes using new weights and ropes
6. Replace all glass with new slimlite double glazing units

AND WHEREAS John McAuley requested a declaration on the question from Louth County Council on the 17th 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,
- (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
- (g) the architectural character of the protected structure in particular the existence of the original timber sliding sash windows.

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 by reason of the removal of the original sash windows to the protected structure,
- (iii) the stated works would consist of the carrying out of works for the maintenance, improvement and alteration of this structure which would 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, as detailed by the Request for Section 57 Declaration and detailed in the Scope of Works set out in the Conservation Method Statement prepared by Sheridan Heritage and submitted to the Planning Authority on the 27th January, 2023 (numbered 5-6 above), to Kildemock House, Ardee, **constitutes development that is NOT exempted development.**



Conclusion No. 3

I conclude, that the WHEREAS a question has arisen as to whether the proposed development under Section 10 of the Request for Section 57 Declaration –

Replacement of 5 original sash windows (3no. on rear elevation to the stairway and 2no. kitchen windows on east elevation as illustrated by submitted photographs) as proposed by the Window Conservation Report dated 15th March 2023 prepared by Sheridan Heritage was submitted on the 20th March 2023 and details of same submitted on the 5th April 2023 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 Kildemock House, Ardee

AND WHEREAS John McAuley requested a declaration on the question from Louth County Council on the 17th 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,
- (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, 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 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, as detailed by the Request for Section 57 Declaration and described in the Window Conservation Report dated 15th March 2023 prepared by Sheridan Heritage was submitted on the 20th March 2023 and details of same submitted on the 5th April 2023 in relation to Kildemock House, Ardee, **constitutes development that is NOT exempted development.**

Signed by Inspector

P. Hughes

Patricia Hughes, Senior Executive Planner

Signed by Planning Authority Officer

J. Kelly

Joanna Kelly, Senior Planner

Date

6th April 2023

Date

6th April 2023