



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:	Niall Hughes		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	24 th July 2025	Date of Inspection:	14 th August 2025
Date of Request for Further Information:	26 th August 2025	Date Further information received:	23 rd October 2025
Date of Issue of Declaration:	10 th December 2025	Previous Declarations:	N/A

Address:		Location:	
Name of Building:		E	N
		National Grid:	
Address 1:	33 Seatown Place	O.S. Map Type:	
Address 2:	Dundalk	Map Sheet:	
Address 3:	Co. Louth	Site Number:	
Eircode:	A91 E7V7		
Protection Status:		Y / N	Details:



Under the Planning and
development Act 2000
(as amended)
Record of Protected
Structures:

Y x

N

D297

Architectural
Conservation Area:
Under the Planning and
development Act 2000
(as amended)

Y x

N

Joceyln Street / Seatown Place ACA

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):

13706004

Introduction:

Following an initial assessment of the proposed works (report dated 26/08/2025,) a request for further information was issued by the Planning Authority on 26th August 2025, including the provision of a Conservation Methodology Statement. In response to this request, the applicant has provided a Conservation Methodology Statement (prepared by Declan P. Walsh & Co. Chartered Building Surveyors, dated October 2025.) This submitted further information is considered in the assessment below.

The referrer has sought a Section 57 Declaration as per the Planning and Development Act 2000 (as amended) in respect of the following:

1. *Setting up scaffolding at the property. Carefully remove Ivy growth from the building roof, walls and associated elements.*
2. *Repair the roof from ingress of rainwater currently causing extensive damage to the interior of the Protected Structure.*
3. *Clear the site from debris and overgrown plants to allow for opening up and flushing through / cleaning of existing drainage works to facilitate storm water drainage away from the building.*

The works are indicated as being urgent given the existing condition of the building and preventing it from further damage caused by the ingress of water on structural elements, fabric and finishes of the building. The intention of the property owner is to bring the vacant and derelict property into repair and to provide apartment type accommodation following the building's restoration.

The subject building is located within the settlement limits of Dundalk and within an Architectural Conservation Area (ACA,) with the site occupying a mid-terrace building and linear plot, as indicated below.

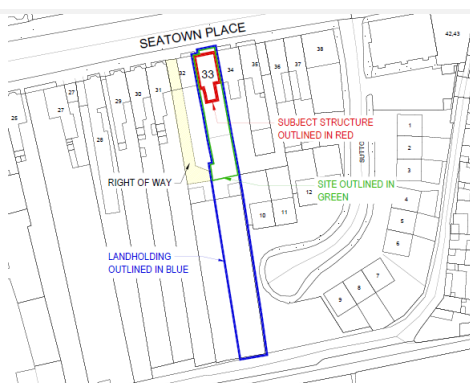


Fig 1: Site Location Plan

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 a protected structure under record D297, whereby it is described as:

“Terraced two-bay three-storey over basement house, built c. 1820. wrought-iron railings on limestone plinth, cast-iron newels, wrought-iron gates opening to concrete steps to basement, vault to north running under Seatown Place.”

The appraisal further refers to the building:

“This fine house retains many original features, The ornate fanlight is a particularly striking feature, adding an artistic touch to the house.”

Planning History:

Planning history on the subject site: There is one historical planning record for the site, as outlined below:

File ref. 55/524699: Peter Markey: Extension to Dwellinghouse – Conditional 13/11/1986

Enforcement: There is one live enforcement record on the site, as follows:

Enforcement ID UD/25/066: Alleged unauthorised internal works to a Protected Structure – Under Review

Description of the Structure:

The subject building is a Protected Structure of Regional Importance (RPS ID D297) and is described in the RPS of the Louth CDP 2021-2027 (as varied) as a *“terraced two-bay three-storey over basement house, built c. 1820. wrought-iron railings on limestone plinth, cast-iron newels, wrought-iron gates opening to concrete steps to basement, vault to north running under Seatown Place.”*

The appraisal within the RPS notes: *“This fine house retains many original features, The ornate fanlight is a particularly striking feature, adding an artistic touch to the house.”*

The building is also on the NIAH Register (No. 13706004) where it is further described:

“Terraced two-bay three-storey over basement house, built c. 1820. Return to south. Pitched slate roof,

clay ridge tiles, red brick corbelled chimneystack, moulded cast-iron gutters to overhanging eaves, circular cast-iron downpipe. Unpainted roughcast rendered walling, smooth rendered walling to basement. Square-headed window openings, stone sills, smooth rendered soffits and reveals, painted timber eight-over-eight (ground floor), six-over-six (first floor) and three-over-six (second floor) sliding sash windows; timber casement window to basement, iron window guard. Round-headed door opening, smooth rendered soffit and reveals, render door surround comprising engaged Doric columns on stone plinths supporting panelled frieze and denticulated cornice, painted timber six-panel door, petal motif fanlight. Fronts onto street, stone steps to door over basement, wrought-iron railings on limestone plinth, cast-iron newels, wrought-iron gates opening to concrete steps to basement, vault to north running under Seatown Place."

The corresponding appraisal notes that the building is "one of a terrace of four, this fine house retains many original features such as its sash windows and elegant door surround which enlivens its otherwise simple form. The ornate fanlight is a particularly striking feature, adding an artistic touch to the house. The basement area with vault is an interesting survival."



Figure 2: Existing front elevation (Aug 2025)

Referral Question:

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

The submitted question as set out in Question 10 of the S57 declaration is as follows:

1. Set up scaffolding at the property. Carefully remove Ivy growth from the building roof, walls and associated elements. Ivy currently causing damage to the building elements and facilitating rain water to penetrate down through the building with resultant damage to the building structure, fixtures and finishes. Urgent works:
2. With scaffolding in place & Ivy removed; Put the existing defective roof into repair to protect the property from ingress of rainwater currently causing extensive damage to the interior of the protected structure. Urgent works:
3. Storm water drainage currently blocked & coming back into the building. Clear the site from debris and overgrown plants to allow for opening up and flushing through/ cleaning of existing drainage works to facilitate storm water drainage away from the building. Thus, protecting the structure from

the ingress of rainwater into the building fabric. Urgent works:

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:

The proposed works relate to work to repair works to a Protected Structure or Regional importance. The submitted details indicate that the property is in a severe dilapidated condition, suffering extensive ingress of rainwater from a defective roof, with extensive works required from lower ground floor to roof level, both internally and externally. The assessment of this application is based on the supporting documentation received, which includes:

- Section 57 declaration form.
- Site Location Plan.
- Report describing the nature of development (including photographs of the building condition,) (Prepared by Declan P. Walsh & Co. dated July 2025.)
- Extract from Property Folio.
- Conservation Methodology Statement (prepared by Declan P. Walsh & Co. dated October 2025.)

Some of the photos included within the submitted condition report are included below to demonstrate the existing condition of the property exterior and interior:



Fig 3-4: view of rear elevation / Rear yard area (from applicant's report)



Fig 5-6: 2nd floor ceiling



Fig.7-8: 2nd Floor front room



Fig.9-10: 3rd floor / attic space / 3rd floor bathroom



Fig 11: Stairs between 1st & 2nd floor

Under Section 57 (1) of the Planning Act 2000, as amended, notwithstanding section 4(1)(h), the carrying out of works to a Protected Structure, or a proposed Protected Structure, shall be exempted 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 57 (4) of the Planning Act 2000, as amended states:

Before issuing a declaration under this section, a planning authority shall have regard to:

(a) any guidelines issued under Section 52, and

(b) any recommendations made to the authority under Section 53.

Having regard to the existing condition of the building and the proposed works as indicated below, the following further assessment comments are noted:

1. *Set up scaffolding at the property. Carefully remove Ivy growth from the building roof, walls and associated elements. Ivy currently causing damage to the building elements and facilitating rainwater to penetrate down through the building with resultant damage to the building structure, fixtures and finishes. Urgent works:*

Comment

The applicant's further information submitted to fully assess this matter (i.e. Conservation Methodology Statement,) sets out in further detail the proposed methodology for these works, to include; access and working scaffolding, surveying the building, removal of ivy in a 2 step process (including cutting back long stems close to the wall surface and then carefully removing the remaining ivy,) removal of stems in small sections from the top and outer edges, removing rooted-in growth working at the edges and working back to the main stem, larger roots to be cut out and consolidating /re-pointing of the structure once the vegetation has rotted away, protecting wall surfaces including the use of wooden instruments to avoid damage to the architectural detail and finish of the buildings.)

On the basis of the submitted details, I am satisfied that these works would not cause unacceptable damage to the character of the protected structure or undue loss of historic fabric, subject to the works being carried out in accordance with best conservation practices, (including in accordance with the Department of Arts, Heritage and the Gaeltacht's 'Architectural Heritage Protection – Guidelines for Planning Authorities' **and subject to any repointing of brickwork being carried out under the supervision of a qualified Architect with specialist conservation expertise (G2 minimum.)**)

2. *With scaffolding in place & Ivy removed; Put the existing defective roof into repair to protect the property from ingress of rainwater currently causing extensive damage to the interior of the protected structure. Urgent works:*

Comment

The submitted Conservation Methodology Report refers to the use of expertise (including Conservation Building Surveyor) and conservation practices for the carrying out of maintenance / repair works to the

roof, salvaging existing slates where feasible (details provided for stripping and salvaging,) reinstatement of stripped areas of main and return roof, and slating repairs / replacement to be carried out on a like for like basis. On the basis of the submitted details, I am satisfied that these works would not cause unacceptable damage to the character of the protected structure or undue loss of historic fabric, subject to the works being carried out in accordance with best conservation practices, (including in accordance with the Department of Arts, Heritage and the Gaeltacht's 'Architectural Heritage Protection – Guidelines for Planning Authorities.'

3. *Storm water drainage currently blocked & coming back into the building. Clear the site from debris and overgrown plants to allow for opening up and flushing through/ cleaning of existing drainage works to facilitate storm water drainage away from the building. Thus protecting the structure from the ingress of rainwater into the building fabric. Urgent works:*

Comment

The Conservation Methodology Report refers to the physical clearance of the area of the site to the rear of the building to expose the gulley traps, manholes, access junctions and related elements associated with storm and foul water drainage serving the building. On the basis of the submitted details, I am satisfied that these works would not cause unacceptable damage to the character of the protected structure or undue loss of historic fabric, subject to the works being carried out in accordance with best conservation practices, (including in accordance with the Department of Arts, Heritage and the Gaeltacht's 'Architectural Heritage Protection – Guidelines for Planning Authorities'

Conclusion:

In having regard to the further information submitted, including Conservation Methodology Report and to the 'Architectural Heritage Protection: Guidelines for Planning Authorities,' the applicant has fully clarified the nature of the proposed works and methodologies to be undertaken. In having regard to the condition of the existing building and the information available for consideration and in considering the question asked in section 10 of the submitted declaration form, subject to:

- best Conservation Practices being undertaken for all works;
- the replacement of identical like for like roof slates being provided where replacement is necessary;
- **any necessary repointing of brickwork (following ivy removal) being carried out under the supervision of a qualified Architect with specialist conservation expertise (Grade 2 minimum,)**

I am broadly satisfied that the works can be undertaken without materially impacting on 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."

and the proposed works would therefore be exempted under Section 57 of the Act.

Recommendation:

I hereby recommend that a declaration of Exemption be issued for the reason(s) set out hereunder:

WHEREAS the question has arisen as to whether:

1. *Set up scaffolding at the property. Carefully remove Ivy growth from the building roof, walls and associated elements. Ivy currently causing damage to the building elements and facilitating rain water to penetrate down through the building with resultant damage to the building structure, fixtures and finishes. Urgent works:*
 2. *With scaffolding in place & Ivy removed; Put the existing defective roof into repair to protect the property from ingress of rainwater currently causing extensive damage to the interior of the protected structure. Urgent works:*
 3. *Storm water drainage currently blocked & coming back into the building. Clear the site from debris and overgrown plants to allow for opening up and flushing through/ cleaning of existing drainage works to facilitate storm water drainage away from the building. Thus, protecting the structure from the ingress of rainwater into the building fabric. Urgent works:*
- at 33 Seatown Place, Dundalk, Co. Louth, A91 E7V7

AND WHEREAS Niall Hughes has requested a declaration on the question from Louth County Council on the 24th July 2025

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

- a) Section 2 of the Planning and Development Act, 2024,
- b) Section 2 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.

AND WHEREAS Louth County Council has concluded that -

- (i) The stated works to the protected structure comprise of “works” as defined in Section 2 of the Planning and Development Act 2024, (as amended);
- (ii) The stated setting up of scaffolding at the property and careful removal of ivy growth from the building roof, walls and associated elements, would not materially affect the character of the protected structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, (subject to best conservation practices being undertaken for all works and any necessary repointing of brickwork (following ivy growth removal) being carried out under the supervision of a qualified Architect with specialist conservation expertise (Grade 2 minimum)).
- (iii) The stated repairs to the existing defective roof to protect the property from the ingress of rainwater, would not materially affect the character of the protected structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest (subject to best Conservation Practices being undertaken for all works, the replacement of identical like for like roof slates being provided where replacement is necessary).
- (iv) The stated clearing of the site from debris and overgrown plants to allow for opening up and flushing though / cleaning of the existing drainage works, to facilitate storm water drainage away from the building, would not materially affect the character of the protected structure, or any element of the structure which contributes to its special architectural, historical,

- archaeological, artistic, cultural, scientific, social, or technical interest.
- (v) The said development, therefore, falls within the scope of section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000 (as amended).

NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by Section 57 of the Planning and Development Act, as amended, hereby decides that the careful erection of scaffolding, removal of ivy, roof repairs works and unblocking of storm water drainage (strictly subject to best Conservation Practices being undertaken for all works, the replacement of identical like for like roof slates being provided where replacement is necessary and any necessary repointing of brickwork (following ivy removal) being carried out under the supervision of a qualified Architect with specialist conservation expertise (Grade 2 minimum)), at no. 33 Seatown Place, Co. Louth as detailed above, **constitutes development that is exempted development.**

Signed by Planning Authority Officer



Orla Rooney, Assistant Planner

Date 10/12/2025

Signed by Planning Authority Officer



Turlough King, A/Senior Planner

Date 10/12/2025