



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:	Michael O'Neill		
Status (i.e. Owner or Occupier):	Owner and occupier		
Date of Request for Declaration:	11/05/2026	Date of Inspection:	27/05/2026
Date of Issue of Declaration:	19/06/2026	Previous Declarations:	N/A

Address:		Location:	
Name of Building:		National Grid:	E N
Address 1:	19 Faughart Terrace	O.S. Map Type:	
Address 2:	St. Mary's Road	Map Sheet:	
Address 3:	Dundalk	Site Number:	
Eircode:	A91 X3D2		

Protection Status:	<u>Y</u> / N		Details:
Under the Planning and development Act 2000 (as amended)			
Record of Protected Structures:	Y X	N	D478
Architectural Conservation Area:	Y X	N	St. Mary's Road (No.19)
Under the Planning and development Act 2000 (as amended)			
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):	Y X	N	13702067

Introduction:

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

"The structure is a sunroom, built in 2000. The total area is approx. 19.9m². The small walls are built from reclaimed brick to match the house and the roof covers the old back kitchen, to blend with house."

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 and linear plot, with the building fronting north onto St Mary's Road, as indicated in the submitted Site Location Plan below.

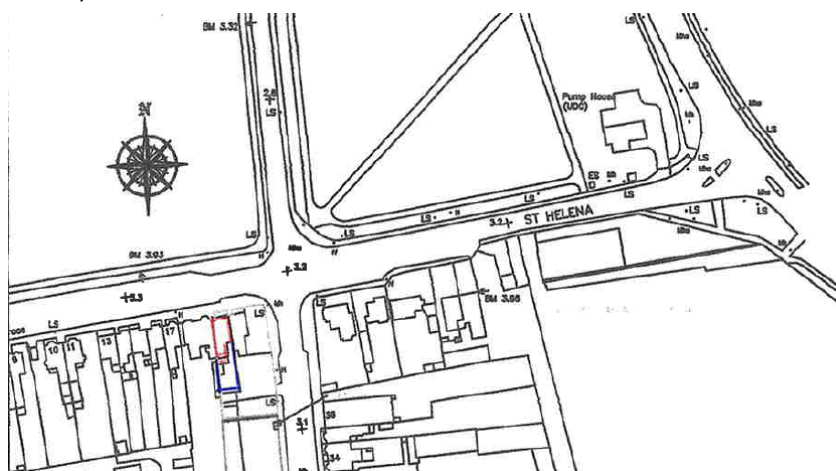


Fig 1: Submitted Site Location Plan

The subject building is a Protected Structure (ref. D478) which is also on the National Inventory of Architectural Heritage as a building of Regional Importance (NIAH Reg. no. 13702067.)

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 D478, whereby it is described as:

"Attached two-bay two-storey with attic house, built c.1890, Two bay return to South."

The corresponding RPS appraisal further states: *"Forms part of an attractive pair, effective use of yellow brick, retains much original fabric, incl. handsome panelled door, terracotta detailing and cast iron railings."*

Planning History:

There are no planning records associated with the subject building (including enforcements.)

Description of the Structure:

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

"Attached two-bay two-storey with attic house, built c. 1890. Two-bay return to south. Pitched slate roof, half-hipped to west, clay crested ridge tiles, brick corbelled chimneystacks, uPVC gutters on paired corbels at eaves, attic window added. Red brick walling laid in Flemish bond, yellow brick plinth, yellow brick sill courses to north elevation; red brick walling to south elevation and return. Square-headed window openings, chamfered reveals, granite sills, decorative clay keystones, tripartite window to ground floor, painted timber one-over-one sliding sash windows; painted timber casement windows to south elevation and return. Round-headed door opening, brick surround, flat pilasters supporting moulded archivolt, decorative clay keystone, plain-glazed fanlight, painted timber door with six raised-and-fielded panels, brass door furnishings, granite step to entrance. House set back slightly from street, front site bounded by cast-iron railings on granite plinth to north."

The NIAH appraisal further states:

"This finely-detailed house forms part of an attractive pair which stand out within the streetscape for their restrained but effective use of yellow brick and terracotta to provide colour contrast and add interest to the façade. Retaining much original fabric, including a handsome panelled door, the house is of particular artistic interest for the terracotta detailing and cast-iron railings and the pair form an attractive closing focus to the streetscape."

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:

"The structure is a sunroom, built in 2000. The total area is approx. 19.9m². The small walls are built from reclaimed brick to match the house and the roof covers the old back kitchen, to blend with house."

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 existing works relate to a rear extension (sunroom) to a Protected Structure of Regional importance. An external site inspection of the property was conducted on 27th May 2026, whereby views of the rear aspect of the building were not available. The assessment of this application is based on the supporting documentation received, which includes:

- Section 57 declaration form.
- Site Location Plan.
- Hand drawn Floor Plan

- Tailte Éireann Registration Map
- Hand drawn layout plan (before sunroom construction)
- NIAH record for the subject property
- 2no. external photographs of the existing sunroom
- 4 no. internal photographs of the existing sunroom and original window of the 'back kitchen' and roof detailing.

The subject extension is indicated to have a floor area of 19.93m



The window in this picture is the original window of the original "back kitchen".

Fig.2-3: Photographs submitted by the applicant

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 details available regarding the existing condition of the building and its roof and to the nature and scale of the existing works i.e. the construction of an extension (sunroom) to the rear of the property, it is noted that the two bay return to the south (rear) of the building formed part of the record of the Protected Structure, in addition to the red brick walling to the south (rear.) The existing extension owing to its positioning and nature, has resulted in the former return to the rear of the building no longer being visible, whilst the extension itself incorporates PVC finishes.

In having regard to the legislative requirements outlined above and to the details submitted and observations on site, it is considered that the subject development has therefore, materially affected the character of the Protected Structure and for this reason, the subject development (existing sunroom extension) does not, fall within the exemptions under Section 57(1) of the Planning and Development Act, 2000 (as amended) and a retention application for planning permission is required to regularise the existing development.

Conclusion:

In having regard to the condition of the existing building and the information available for consideration, in considering the question asked in section 10 of the submitted declaration form, it is considered that the existing extension (sunroom) to the rear of the property is development that materially affects the character of the Protected Structure and is **NOT therefore, exempt development.**

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 the existing development detailed under Section 10 of the request for Section 57 Declaration would or 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 at No. 19 Faughart Terrace, St. Mary's Road, Dundalk, A91 X3D2

AND WHEREAS Michael O'Neill has requested a declaration on the question from Louth County Council on 11th May 2026

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 4 (1)(h) of the Planning and Development Act 2000, as amended,
- c) Section 57 of the Planning and Development Act, 2000 as amended,
- d) The Architectural Heritage Protection Guidelines for Planning Authorities,
- e) The special characteristics pertaining to the Protected Structure in question and,
- f) The nature and extent of the existing 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 “development” as defined in Section 2 of the Planning and Development Act 2024, (as amended);
- (ii) The stated development materially affects the character of the protected structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural,
- (iii) scientific, social, or technical interest and therefore does not fall 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 existing works as outlined, at No. 19 Faughart Terrace, St. Mary’s Road, Dundalk, A91 X3D2, constitutes **development that is not exempted development**.

Signed by Planning Authority Officer

Signed by Planning Authority Officer




Orla Rooney, Assistant Planner

Turlough King, A/Senior Planner

Date

Date

19/06/2026

14/07/2026

