



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:	Olivia McCreesh		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	24 th April 2025	Date of Inspection:	9 th June 2025
Date of Issue of Declaration:	12 th June 2025	Previous Declarations:	None

Address:

Name of Building:

Lisanna

Address 1:

59 Castle Road

Address 2:

Dundalk

Address 3:

Co. Louth

Eircode:

A91 CK38

Location:

National Grid co-ordinates:

E N

O.S. Map Type:

Map Sheet:

Site Number:

Protection Status:

Y / N

Under the Planning and development Act 2000
(as amended)

Record of Protected Structures:

Y ✓

N

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

Details:

D086

ACA Number 19 (St. Mary's Road)



NIAH Registration No. (if applicable):

13702005

Introduction:

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 –

“End-of-terrace two-bay two-storey with attic red brick house built c. 1890. Bounded by decorative wrought iron railings.”

Its appraisal states *“This house is a fine example of domestic architecture of the late Victorian period and displays many characteristics of the time. The graceful bow is of particular note”*.

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Planning History:

There is no planning history associated with this building.

Description of the Structure:

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

“Terraced two-bay two-storey with attic house, built c. 1890. Dormer window and canted bay window to east. Pitched slate roof, red brick chimneystack, moulded cast-iron gutter on moulded red brick corbels, red brick and yellow brick corbelled eaves courses, square-profiled cast-iron downpipes. Red brick walling laid in Flemish bond, yellow brick string course to ground floor. Square-headed window openings, canted-bay window to ground floor, painted smooth rendered plinth, painted timber engaged colonettes supporting painted timber cornice, painted timber one-over-one sliding sash windows, margin lights to upper sliding sash; painted smooth rendered window heads to first floor surmounted by red brick moulded string, painted stone sills, painted timber one-over-one sliding sash windows; painted timber surround to dormer window, painted timber casement window.



Segmental-headed door opening, moulded red brick hood-moulding, decorative yellow brick label stops, terracotta keystone, painted timber engaged hexagonal columns to frieze, cornice and plain-glazed overlight, painted timber decoratively panelled door, brass door furniture, concrete path to door. House set back slightly from street, front site bounded by painted smooth rendered wall surmounted by metal spikes, decorative cast-iron entrance gate”.

The **NIAH** appraisal of this property includes:

“This is a fine example of domestic architecture of the late-Victorian era showing many characteristics used during this period. The elegant canted-bay window and fine brickwork details contribute greatly to the character of the house, as well as to the terrace of which this building is a vital component.”

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.

Referral Question:

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

“I currently have a major dry rot issue and need to take out my kitchen, strip the walls and treat the dry rot and floor and all wood affected over two storeys. Owing to the extensive works and costs involved and already needed, I wish to remove a wall that contains a high portion of the rot and create an open plan extension, utilising the side return at rear. The additional area would be 32sqm approximately. It would not impact the main body of the house, but be an add on to the rear. Externally there would be a pitched roof covering the side return and to where the existing lean to is currently to rear”.

The applicant has included a set of plans, elevations and a 3D image of the proposal.

Assessment:

I have reviewed the RPS, the NIAH and the documentation submitted by the applicant.

The development proposal includes a 32sqm “wraparound” rear extension to the property, and the creation of an open-plan kitchen/dining/snug.

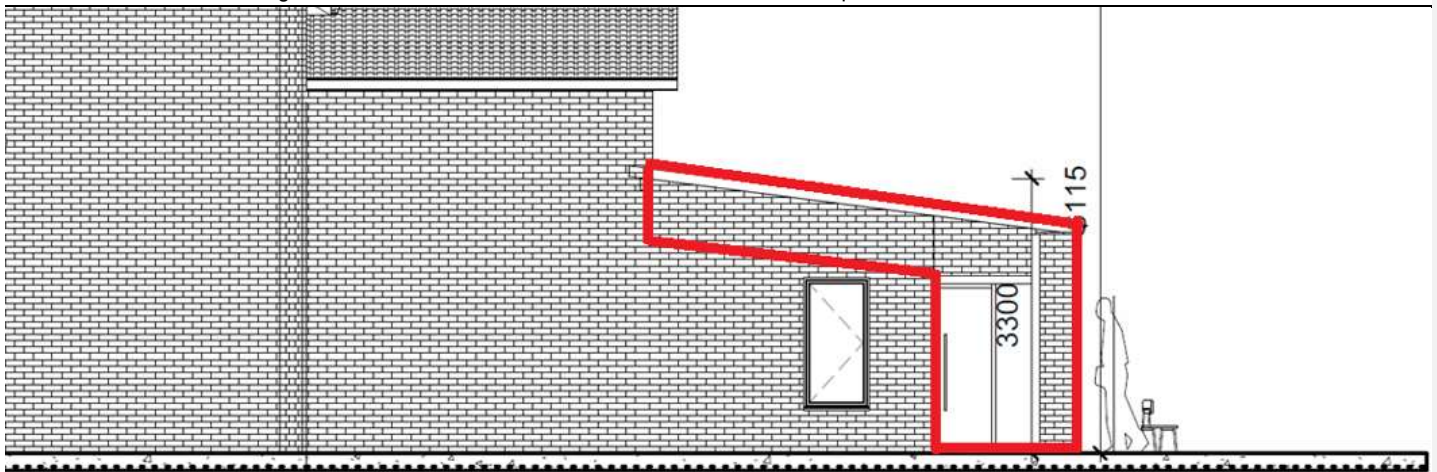


The works will include the removal of 5.72m length of the existing ground floor external wall which runs parallel to the existing party boundary and a further 3.94m of existing ground floor external wall which is perpendicular to the existing party wall. In addition, the existing single-storey lean-to element is being enclosed by a semi-enclosed patio area and the new, larger and higher lean-to roof will connect to the rear elevation of the house at a higher point in the wall, closer to an existing first floor window.



Red Area – Ground Floor – 9.66m of original walls being removed

Green Area – Increase in height of lean-to roof to facilitate extension and semi-enclosed patio



Proposed side elevation illustrating the increase in height and depth of the lean-to extension

It is noted that the proposed extension will be visible from the public roadway and footpath along Castle Road, specifically the increase height in the lean-to element of the proposal.



Area in red identifying the estimated increase in lean-to roof height viewed from Castle Road.

Having regard to Section 2 of the Planning and Development Act 2024 as amended, it is considered that the proposed works, as described, is “development” within the meaning of the Act.

Development can be exempt from the requirement for planning permission by either Section 4 of the Planning and Development Act 2000 as amended, or by Article 6 of the Planning and Development Regulations 2001 as amended. However, under Section 57 of the Planning and Development Act, 2000 (as amended), the carrying out of works to a Protected Structure is only exempt if the 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.

In this case I consider that the works as described would materially affect “Lisanna”, a protected structure, through providing an extension to the rear of the house in a manner which is not in accordance with the original house design, which involves the excessive removal of original fabric in order to create an open plan layout and which significantly alters the internal layout of the original building. The manner in which the lean-to roof element is being inserted at a higher level than previously also materially affects the character of the structure and would be visible from public view along Castle Road.

Conclusion:

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 Lisanna, 59 Castle Road, Dundalk, Co. Louth.

AND WHEREAS Olivia McCreesh requested a declaration on the question from Louth County Council on the 24th April 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 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 status of No.59 Castle Road as a Protected Structure listed in the Record of Protected Structures,
- f) The planning history of the site,
- g) The pattern of development in the area,
- h) 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 removal of original ground floor external and internal walls, a 32sqm extension to the rear of the property, material alterations to the internal floor plan to create an open-plan kitchen/dining/snug area and the increase in depth and height of a lean-to roof element.

AND WHEREAS Louth County Council has Concluded that

- (i) *The nature of the proposed development is not an exempted development on the grounds that the works would materially affect the character of the building which is a protected structure, through the provision of an extension to the rear of the house in a manner which is not in accordance with the original house design, which involves the excessive removal of original fabric in order to create an open plan layout and which significantly alters the internal layout of the original building. The manner in which the lean-to roof element is being inserted at a higher level than previously also materially affects the character of the structure and would be visible from public view along Castle Road.*

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 outlined **constitutes development that is not exempted development.**

Signed by Inspector

Date

10th June 2025

Signed by Planning Authority Officer

Date

11th June 2025