



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:	Anne Wynne		
Status (i.e. Owner or Occupier):	Occupier		
Date of Request for Declaration:	01/09/2025	Date of Inspection:	10/09/2025
Date of Issue of Declaration:	25/09/2025	Previous Declarations:	N/A

Address:		Location:	
Name of Building:		National Grid:	E N
Address 1:	No. 40 Jocelyn Street	O.S. Map Type:	
Address 2:	Dundalk	Map Sheet:	
Address 3:	Co. Louth	Site Number:	
Eircode:	A91 V3V1		

Protection Status: Under the Planning and development Act 2000 (as amended)	Y / N		Details:
Record of Protected Structures:	Y X	N	D216
Architectural Conservation Area:	Y X	N	Joceyln Street / Seatown Place ACA (No.23)
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	13705071

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 proposal is to carefully remove and reinstate the existing slate roof coverings. All sound and serviceable slates will be salvaged and reused where possible, with new slates installed as required. The works are intended to secure any loose slates, restore the integrity of the roof, and prevent the ingress of rainwater, thereby ensuring the roof is safe and weather-tight.”

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 as indicated in the submitted Site Location Plan below.



Fig 1: Submitted Site Location Plan

It is noted that there appears to be a discrepancy between the RPS and NIAH Register in relation to the records pertaining to No. 40 Jocelyn Street; with the NIAH register referring to No.40 Jocelyn Street under registration No's 13705069 and 13705070 (RPS ID: D217 and D218) whilst the RPS refers to No.40 Jocelyn Street under NIAH Registration No. 13705071 RPS ID: D216.)

Notwithstanding the information provided within the submitted declaration form (including reference to NIAH Ref. No. 13705071 / D216) for the avoidance of any doubt, this assessment is based on the records contained within NIAH Registration No's 13705069 and 13705070 (RPS ID 217 and 218.)

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:

“a c.1870, end-of-terrace two-bay two-storey with attic. Pedimented breakfront to East bay North elevation.”

The corresponding RPS appraisal further states: *“Fine craftsmanship is evident in tis construction, not least in the use of a variety of well-finished materials in its decoration. The survival of much original further enhanced its significance.”*



Fig 2: Existing Building taken from Jocelyn Street

Planning History:

No records.

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. 1870. Pedimented breakfront to east bay north elevation, two-storey return to south, amalgamated with house to west c. 1950. Pitched slate roof, clay ridge tiles; red brick stepped corbelled chimneystack, raised brick banding; moulded cast-iron gutters on moulded brick corbels interspersed with rosettes, circular cast-iron downpipes. Red brick Flemish bond walling, chamfered stone plinth, continuous ashlar stone lintel courses, moulded brick strings, terracotta raking cornice supported on moulded kneelers forming open-bed pediment, terracotta rosettes to pediment. Square-headed window openings, curved carvings to heads, granite sills, painted timber one-over-one sliding sash windows, fixed frosted glass bipartite over lights; round-headed window openings to attic, one-over-one sliding sash windows. Square-headed former door opening, now blocked with painted timber one-over-one sliding sash window with over light, roll-moulded reveals. Street fronted, wrought and cast-iron railings on ashlar granite plinth bounding floor bed to north, concrete pavement, red clay paved areas flanking former door."

The NIAH appraisal further states:

"This striking house, part of a terrace of four similar structures, has a distinguished symmetrical form, strengthened by the pedimented breakfront. Fine craftsmanship is evident in its construction, not least in the use of a variety of well-finished materials in its decoration, which serve to enliven its form. Amalgamated with the house to its west, it has retained its original character with the survival of much original material enhancing its significance."

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 proposal is to carefully remove and reinstate the existing slate roof coverings. All sound and serviceable slates will be salvaged and reused where possible, with new slates installed as required. The works are intended to secure any loose slates, restore the integrity of the roof, and prevent the ingress of rainwater, thereby ensuring the roof is safe and weather tight.”

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 roof restoration works to a Protected Structure of Regional importance. An external site inspection of the property was conducted on 10th September 2025 whereby views of the existing roof were limited to publicly accessible areas around the site. The assessment of this application is based on the supporting documentation received, which includes:

- Section 57 declaration form.
- Site Location Plan.

The application has not been accompanied by any details pertaining to the condition of the existing roof and / or photographic survey.

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 the proposed works i.e. the removal and reinstatement of existing slate roof coverings, with new slates installed as required, it is considered that **provided strictly identical slates are used where replacement slates are required and no alterations are made to the roof itself**, including existing clay ridge tiles, then this 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 the applicant also undertaking the works in accordance with the 'Architectural Heritage Protection: Guidelines for Planning Authorities.'

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 careful removal and reinstatement of the existing slate roof coverings is exempt development. Regarding the installation of new slates where the salvaging of the existing slates is not possible, provided that strictly identical slates are used, this would not materially affect the character of the existing building and would also be exempt.

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 proposal is to carefully remove and reinstate the existing slate roof coverings. All sound and serviceable slates will be salvaged and reused where possible, with new slates installed as required. The works are intended to secure any loose slates, restore the integrity of the roof, and prevent the ingress of rainwater, thereby ensuring the roof is safe and weather-tight" at No. 40 Jocelyn Street, Dundalk

AND WHEREAS Anne Wynne has requested a declaration on the question from Louth County Council on the 1st September 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 careful removal and reinstatement of the existing slate roof coverings 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 and therefore falls within the scope of section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000 (as amended.)

- (iii) The stated installation of new slates where necessary, subject to the use of identical slates to those existing being used, 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, and would therefore fall within the scope of section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000 (as amended.)
- (iv) 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 removal and reinstatement of the existing slate roof coverings and the installation of new slates as required (strictly subject to identical slates being used,) at no. 40 Jocelyn Street, Co. Louth as detailed above, **constitutes development that is exempted development.**

Signed by Planning Authority Officer

Signed by Planning Authority Officer



Orla Rooney, Assistant Planner

Turlough King, A/Senior Planner

Date

Date

17/10/2025

17/10/2025