



# 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.

|                                         |                             |                               |                              |
|-----------------------------------------|-----------------------------|-------------------------------|------------------------------|
| <b>Applicant Name:</b>                  | Donovan Sheridan            |                               |                              |
| <b>Status (i.e. Owner or Occupier):</b> | Owner Occupier              |                               |                              |
| <b>Date of Request for Declaration:</b> | 25 <sup>th</sup> May 2026   | <b>Date of Inspection:</b>    | 05 <sup>th</sup> August 2026 |
| <b>Date of Issue of Declaration:</b>    | 5 <sup>th</sup> August 2026 | <b>Previous Declarations:</b> | No known records.            |

### Address:

|                   |                  |
|-------------------|------------------|
| Name of Building: | Farigreen House  |
| Address 1:        | 13 Fairgreen Row |
| Address 2:        | Dundalk          |
| Address 3:        | Co. Louth        |
| Eircode:          | A91AEN3          |

### Location:

|                             |   |   |
|-----------------------------|---|---|
| National Grid co-ordinates: | E | N |
| O.S. Map Type:              |   |   |
| Map Sheet:                  |   |   |
| Site Number:                |   |   |
|                             |   |   |

### Protection Status:

Under the Planning and development Act 2000 (as amended)

Record of Protected Structures:

Y / N

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:

D432

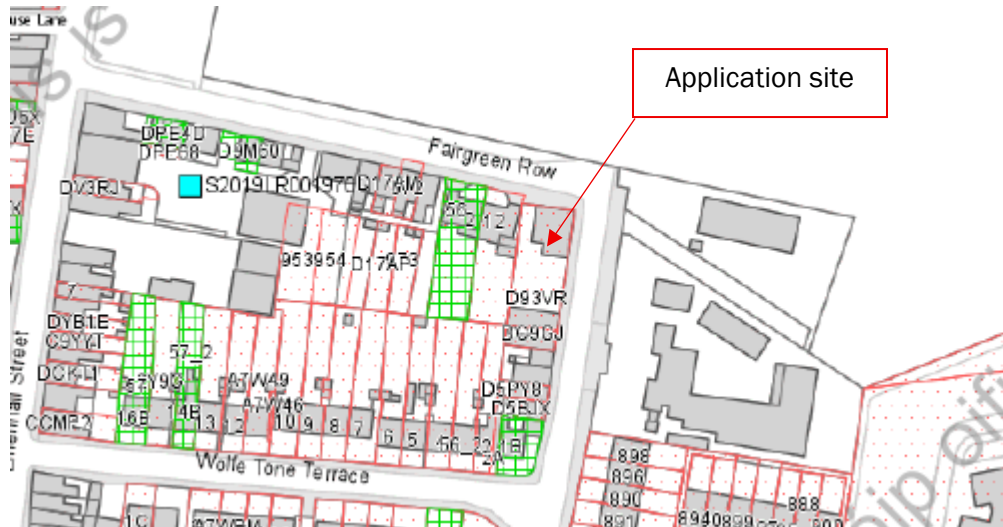
ZAP (Dundalk)

NIAH Registration No. (if applicable):

13702027

## Introduction:

The referrer has sought a Section 57 Declaration as per the Planning and Development Act 2000 (as amended) in respect *emergency works to repair the wall to make it safe*, to Fairgreen House, located at 13 Fairgreen Row, Dundalk. A copy of the site location is included below.



## 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 included within the RPS under record no. D432) and is described as: *'Corner-sited detached three-bay two-storey house with chamfered corner, built c. 1830.'*

**RPS Appraisal** – *'This well-proportioned house exhibits simple well-executed decorative detailing to its windows, and this simple decoration contrasts with the striking doorcase which forms an eye-catching feature on this corner sited building'*

## Planning History:

The subject building is recorded within the National Built Heritage Service's NIAH Survey data (Reg no. 13702027).

There is no planning history on the application site.

## Description of the Structure:

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

*"Corner-sited detached three-bay two-storey house with chamfered corner, built c. 1830. Lean-to extension to south. Hipped and pitched slate roof, clay ridge tiles, smooth rendered and red brick shouldered corbelled chimneystacks, uPVC rainwater goods to painted timber boards at eaves. Painted smooth rendered walling, ruled-and-lined to west, chamfered corner to east, painted smooth rendered plinth, quoins and continuous sill course to first floor windows. Square-headed window openings, painted moulded rendered surrounds, painted stone sills, uPVC replacement*

windows, cast-iron guard rails to ground floor windows, corbels supporting sills to first floor. Round-headed door opening, painted timber fluted engaged Doric columns on painted stone bases supporting frieze, cornice, plain-glazed fanlight, painted timber door with four raised-and-fielded panels, tooled granite threshold. Fronting directly onto street, yard to south and west accessed through painted smooth rendered piers, corrugated-iron gate.”

The **NIAH** appraisal of this property’s further states:

*This well-proportioned house exhibits simple well-executed decorative detailing to its windows, and this simple decoration contrasts with the striking doorcase which forms an eye-catching feature on this corner sited building. The chamfered corner adds further to architectural interest, reflecting the corner location of the house, a prominent structure on both Nicholas Street and Fairgreen Row.*

### Referral Question:

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

*“to perform emergency works to repair the wall and to make safe.”*

### 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 following statement provided the description of the works:

*The Top of the outside wall has fallen Down. As the wall are next to a school it is dangerous for school children. I want to perform emergency works to repair the wall to make safe.*

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 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 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.*

Section 57 (5) states:

*If the declaration relates to a protected structure that is regularly used as a place of public worship, the planning authority:*

- (a) in addition to having regard to the guidelines and recommendations referred to in subsection (4), shall respect liturgical requirements, and*
- (b) for the purpose of ascertaining those requirements shall—*
  - (i) comply with any guidelines concerning consultation which may be issued by the Minister for Arts, Heritage, Gaeltacht and the Islands, or*
  - (ii) if no such guidelines are issued, consult with such person or body as the planning authority considers appropriate.*

Having inspected the site, reviewing the photographs of the affected area of the wall and having spoken to the applicant who has advised that the works relate to the repointing of the wall with lime render, I considered that the works 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.

NOTE: the applicant advised of his intention to remove the existing concrete render and repoint the whole of the public facing elevation (east) of the wall. It is important to note that this declaration relates solely to the emergency repairs and does not provide an assessment or declaration of any works beyond the scope of the emergency repairs.

## 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 Fairgreen House, 13 Fairgreen Road, Dundalk, A91AEN3

**AND WHEREAS** Donovan Sheridan requested a declaration on the question from Louth County Council on the 25th 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 status of the property as a Protected Structure listed in the Record of Protected Structures,
- f) The planning history of the site, reference 25/90,
- 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.

**AND WHEREAS** Louth County Council has Concluded that

The nature of the works is development and is exempted development on the grounds that the works would **not** materially affect the character of Fairgreen House, A91AEN3 which is a protected structure, or any element of the structure which contributes to its special architectural or social interest.

**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 proposal outlined is development and is exempted development.



**Signed by Inspector**

**Signed by Planning Authority Officer**

A handwritten signature in black ink that reads 'Eamonn McArdle'.

A handwritten signature in black ink that reads 'Turlough King'.

Eamonn McArdle, Executive Planner

Turlough King, A/Senior Planner

**Date**

**Date**

6<sup>th</sup> August 2026

6<sup>th</sup> August 2026