

## 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>                  | Heidi lane                 |                               |                |
| <b>Status (i.e. Owner or Occupier):</b> | Owner occupied             |                               |                |
| <b>Date of Request for Declaration:</b> | 15 <sup>th</sup> June 2024 | <b>Date of Inspection:</b>    |                |
| <b>Date of Issue of Declaration:</b>    |                            | <b>Previous Declarations:</b> | None on record |

#### Address:

Name of Building:

Address 1: Brewery Street

Address 2: Castlebellingham

Address 3: Co. Louth

Eircode: A91W732

#### Location:

National Grid co-ordinates:

O.S. Map Type:

Map Sheet:

Site Number:

E

N

**Protection Status:**

Under the Planning and development Act 2000  
(as amended)

**Y / N****Details:**

Record of Protected Structures:

Y x

N

NIAH ref no: 13826014. Louth  
RPS D095

Architectural Conservation  
Area:

Y x

N

Castlebellinham ACA (No. 13)

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

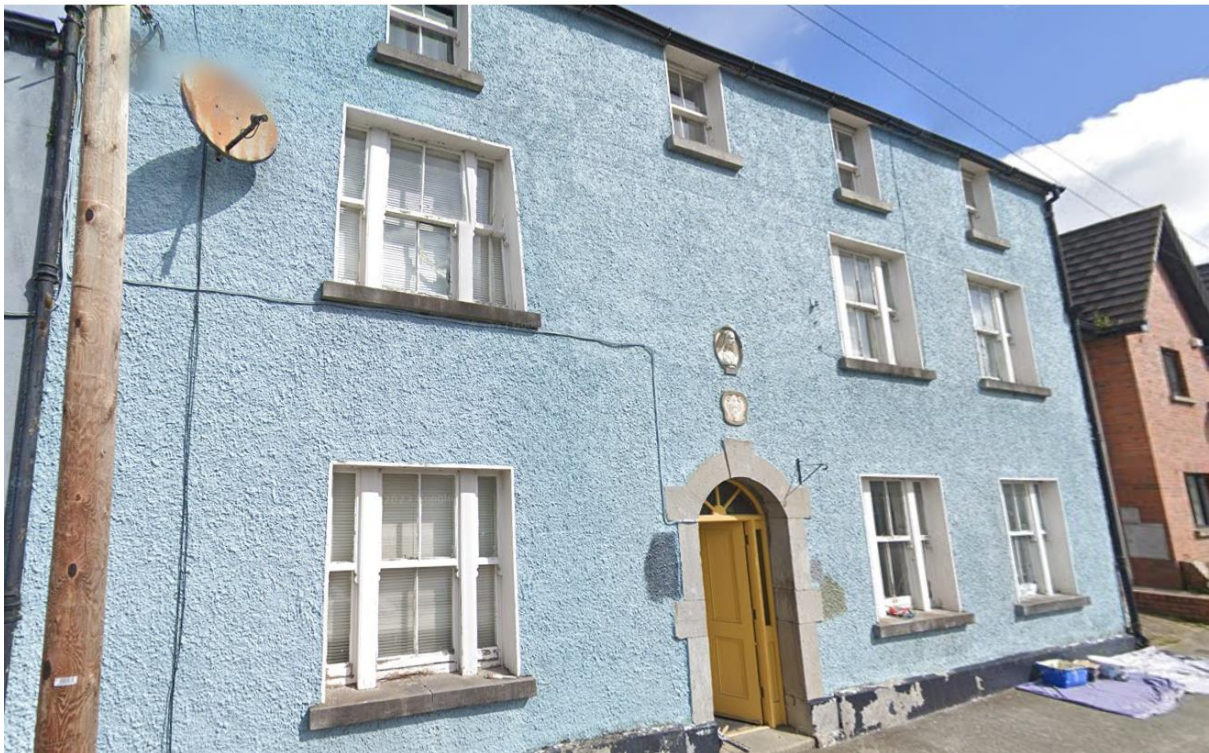
N x

NIAH Registration No. (if applicable):

N/A

**Introduction:**

The referrer has sought a Section 57 Declaration as per the Planning and Development Act 2000 (as amended) in respect of works to a protected structure at the Brewery St, Castlebellinham, Co. Louth (shown 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 three-storey house, Brewery St, Castlebellingham (RPS: LHs 015-022) (NIAH: 13826014) is described as: c. 1800. Terraced Four-bay, three storey house with slate roof, brick chimneys, rendered front façade – painted. Bas relief bust of the Blessed Virgin Mary and plaque over entrance door.

**Planning History:**

None

**Enforcement:**

None

**Description of the Structure:**

The **NIAH** description of this regionally important property (NIAH Ref: 13826014– is as follows:

*Terraced four-bay three-storey house, built c. 1800. Return to rear. Pitched slate roof, clay ridge tiles, red brick corbelled chimneystacks. Painted roughcast rendered walling, painted smooth rendered plinth, bas relief bust of the Blessed Virgin Mary and plaque over entrance door. Square-headed window openings, painted smooth rendered slightly-projecting soffit and reveals, dressed limestone sills, painted timber sliding sash tripartite windows to ground and first floors, painted two-over-two timber sliding sash windows to second floor. Segmental-headed door opening, dressed ashlar limestone block-and-start jambs, voussoirs to arch with raised keystone, painted timber panelled door with six panels, narrow sidelights, plain-glazed overlight. Street fronted, warehouse building to west and north, lower two-storey house to immediate west.*

The **NIAH** appraisal of this properties includes –

*This awkwardly proportioned house makes an interesting contribution to the streetscape of Castlebellingham. The religious iconography is a notable feature. The tripartite windows and skillfully executed door surround complete this appealing structure.*

**Referral Question:**

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

This request, as detailed in Section 10 of the S57 request form, pertains to:

- Timber framed sash windows (heritage double glazing). No further details have been submitted.

**Legislative Provision:**

Section 57(1) of the Planning and Development Act 2000 (as amended) states ‘that 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 Act stipulates that the carrying out of any works specified in a notice under section 59 (1) or 60 (2) shall be exempted development.

### **Assessment:**

I have reviewed the RPS in respect of this property and have inspected the site from the public street. It is noted that the applicant has not provided any specific details as to the scope and nature of the proposed works.

However, I conclude that the general maintenance, repair and painting of the existing windows to bring them into a state of good repair would not materially affect the character of the protected structure or the ACA.

### **Any further documentation attached (maps, photographs, sketches, notes etc.)?**

- Declaration form.
- Drawings/ map submitted.
- Photos of front elevation

### **Recommendation:**

I hereby recommend that a Declaration of Exemption be issued for the development described above, for the reason(s) set out hereunder:

**WHEREAS** the question has arisen as to whether works 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 Brewery St, Castlebellingham.

**AND WHEREAS** Heidi Lane requested a declaration on the question from Louth County Council on the 15<sup>th</sup> June 2024.

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

- a) Section 2 of the Planning and Development Act 2000, as amended,
- b) Section 3 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 2000 (as amended);

- (ii) That the general maintenance, repair and painting of the existing timber windows to bring them into a state of good repair would not materially affect the character of the protected structure 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,
- (iii) The said development, therefore, comes 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 2000 Act as amended, hereby decides that the general maintenance, repair and painting of the existing windows would not materially affect the character of the protected structure at Brewery St, Castlebellingham, Co. Louth, **constitutes development that is exempted development.**

**Signed by Inspector**

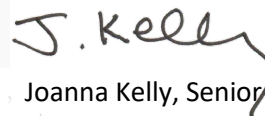


Brian Brooks, Executive Planner

**Date**

26/08/24

**Signed by Planning Authority Officer**



Joanna Kelly, Senior Planner

**Date**

28th August 2024