



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:	Mercelova Ltd		
Status (i.e. Owner or Occupier):	Vacant		
Date of Request for Declaration:	21/04/2022	Date of Inspection:	15 th July 2021
Decision Due Date:	14/07/2022	Previous Declarations:	None on record
Date of Issue of Declaration:	19/05/2022		

Address:	Location:		
Name of Building:	No. 1 and No. 2 Paradise Place	National Grid co-ordinates:	E N
Address 1:	William Street,	O.S. Map Type:	
Address 2:	Drogheda	Map Sheet:	
Address 3:	Co. Louth A92 FF10	Site Number:	

Protection Status: Under the Planning and development Act 2000 (as amended)	Y / N		Details:
Record of Protected Structures:	Y ✓	N	DB-203 and DB-204
Architectural Conservation Area: Under the Planning and development Act 2000 (as amended)	Y	N x	
Record of Monuments and Places:	Y	N x	
Zone of Archaeological potential:	Y ✓	N	
Preservation Order or Temporary P.O.:	Y	N x	
NIAH Registration No.:	13619113 and 13619114		

Introduction:

The referrer has sought a section 57 declaration as per the Planning and Development Act 2000 (as amended) in respect of works to two protected structures at Paradise Place, Drogheda.



Figure 1: Front Façades - No.'s 1 & 2 Paradise Place



Figure 2: Location

Protection Status:

Under the Planning and Development Act 2000 (as amended), the Record of Protected Structures is set out in the Louth County Development Plan 2021-2027.

No. 1 and 2 Paradise Place (RPS DB-203 and DB-204 respectively) are described as two-bay, three-storey over basement rendered early 19th Century houses. These were built as a terrace of four houses which was altered in the nineteenth century by the amalgamation of two houses into a single dwelling, forming a terrace of three.

No. 3 Paradise Place the other dwelling in this terrace (RPS DB-205) is described likewise. It is not however the subject of this S57 Declaration.

Planning History:

There is no planning history pertaining to either property

Pre Planning – Reference PP 21/175

Pre-planning (PP 21/175) submitted on the 18th June 2021 pertained to the existing 12no. apartment units at No. 1 and 2 Paradise Place and proposals to for the provision of social housing units via an approved housing body. It detailed that it was the intention to submit a Request for a Section 57 Declaration in relation to alterations to chimney/fireplaces and rear windows. An affidavit was submitted confirming that the 2 properties had been used for a total of 12 apartment units since prior to 1963.



A site inspection was undertaken with the owner and his agent (Jonathan Marais) on the 15th July 2021. From this inspection I was satisfied that the properties comprise of 12 apartment units (No. 1 – 8 units and No. 2 - 4 units). The internal layout comprised of 12 self-contained units each of which included bathroom and kitchen facilities. Each unit had separate electric meters.

I advised that the chimney breasts were important historic features of these protected structures and should be retained.

Description of the Structures:

No. 1

- End-of-terrace four-bay three-storey over basement former house, built c. 1760, now in use as flats
- Formerly as pair of two-bay house, altered to form single four-bay house in nineteenth century
- Return to north, extension c. 1900 to east.
- Pitched artificial slate roof, clay ridge tiles, smooth rendered flat capped chimneystacks, cast-iron and uPVC gutters on corbelled eaves course, circular cast-iron and uPVC downpipes.
- Smooth rendered ruled-and-lined walling.
- Square-headed window openings, tooled limestone sills, tripartite windows to ground floor comprising painted timber two-over-two sliding sash windows flanked by one-over-one sliding sashes; six-over-six sliding sash windows to basement, north and east elevations; two-over-two sliding sash windows to south elevation; some replacement casement windows to north elevation, some windows boarded-up to north and east elevations.
- Round-headed door opening, painted stone Gibbsian surround, moulded keystone, plain-glazed fanlight, painted timber door with six raised-and-fielded panels, tooled limestone threshold, polychromatic tiled entrance platform bridging basement, door accessed by limestone steps; entrance covered by glazed porch supported by fluted cast-iron columns with foliate capitals c. 1900; square-headed door opening to return, painted timber vertically-sheeted door.
- Cobblestones to basement area, accessed by flight of tooled limestone steps; tooled limestone plinth wall surmounted by wrought-iron railings with urn newel posts bounds basement area.
- House fronts onto yard area to north of Paradise Place.

No. 2

- Terraced two-bay three-storey over basement house, built c. 1760.
- Pitched artificial slate roof, clay ridge tiles, smooth rendered chimneystack, moulded uPVC gutter on corbelled eaves course, circular cast-iron downpipe.
- Smooth rendered ruled-and-lined walling, extension to north elevation of felt cladding.
- Square-headed window openings, tooled limestone sills
- uPVC window to basement, painted timber six-over-six sliding sash windows to ground and first floors, three-over-six sliding sashes to second floor.
- Round-headed door opening, painted stone Gibbsian surround with moulded keystone, painted timber door with six raised-and-fielded panels, limestone threshold, concrete step bridging basement, basement bounded by limestone plinth wall surmounted by wrought-iron railings with urn newel posts.
- House fronts onto yard to north of Paradise Place.

The NIAH appraisal of both properties includes –

‘The classical form and proportions remain apparent and this terrace makes a fine addition to the architectural heritage of Drogheda. The retention of notable features such as the Gibbsian door surround and sliding sash windows contribute to its character’.

Referral Question:

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

This Request is accompanied by existing and proposed floor plans, elevations and sections and by:

- An Architectural Heritage Impact Assessment Report entitled Renovation works to No. 1 and No. 2 Paradise Place, Drogheda prepared by Architectural Conservation Professionals (ACP);
- A Structural Survey Report pertaining to properties No. 1 and No. 2 Paradise Place prepared by DRA Consulting Engineers accompanied by photographs.

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 submitted Architectural Heritage Impact Assessment Report, Structural Survey Report and drawings.

Under Question 10 of the Request form, works that are proposed are described as follows:

1. The installation of a tanking membrane and radon barrier
2. The widening of windows to the rear bedrooms at basement level
3. Dry lining of all external walls
4. Replacement of PVC windows with hardwood heritage style sliding sash windows
5. All existing timber windows to be repaired by specialist
6. All existing decorative cast iron gutters and railings to be repaired
7. Modern extension and stairs to be removed from rear elevation
8. New dropped ceiling to provide 60min compartmentation fitted below existing covings and decorative work shall be retained
9. Existing intermediate floor structural timbers to be retained and spliced to provide adequate loading capacity as required

10. Roof timbers to be assessed and repaired/replaced as required
11. Separating walls to be continued up to underside of roof level
12. Wall vents and all associated M&E service runs

I have had regard to the overall interventions proposed as follows:

- The installation of a tanking membrane and radon barrier - the installation of the tanking membrane and barrier includes substantial excavation works in the basement and the lowering of the existing floor. These works would impact significantly and would result in the removal of historic fabric of these properties including cobblestones reference in the NIAH appraisal of same. Sited within a zone of archaeological potential the development to basement area would also potentially impact on the archaeology on this site.
- The widening of windows to the rear bedrooms at basement level – the enlargement of these openings together with the associated regrading of ground levels and the construction of a retaining wall to facilitate same, would materially affect the external appearance of these properties. This element too has the potential to disturb archaeological material.
- Dry lining of all external walls – would not result in a material alteration to the interior of the buildings or loss of historic material.
- Replacement of PVC windows with hardwood 'heritage' style sliding sash windows – the replacement of inappropriate uPVC windows with appropriately detailed replacement windows is considered not to require planning permission.
- All existing timber windows to be repaired by specialist – maintenance works which will not materially affect the character of the protected structures on the basis that works follow conservation principles and best practice.
- All existing decorative cast iron gutters and railings to be repaired – maintenance works which will not materially affect the character of the protected structures given that the works are to be undertaken following conservation principles and best practice.
- Modern extension and stairs to be removed from rear elevation – the extension and external stairs are modern interventions. Their removal does not require planning permission.
- New dropped ceiling to provide 60min compartmentation fitted below existing covings and decorative work shall be retained - would not result in a material alteration to the interior of the buildings or the loss of historic material.
- Existing intermediate floor structural timbers to be retained and spliced to provide adequate loading capacity as required - maintenance works which will not materially affect the character of the protected structures given that the works are to be undertaken following conservation principles and best practice.
- Roof timbers to be assessed and repaired/replaced as required - maintenance works which will not materially affect the character of the protected structures on the basis that works follow conservation principles and best practice.
- Separating walls to be continued up to underside of roof level – these works will not materially affect the character of the protected structures.
- Wall vents and all associated M&E service runs - wall vents as illustrated by specifications/drawings submitted will not materially impact on the exterior of the properties. Internally it is proposed run services above dropped ceilings.

Conclusion:

CONCLUSION No. 1

I conclude, that WHEREAS a question has arisen as to whether the proposed developments numbered (1) and (2) under Section 10 of the Request for Section 57 Declaration –

1. The installation of a tanking membrane and radon barrier,
2. The widening of windows to the rear bedrooms at basement level

would or would not materially affect the character of protected structures or any element of the structures which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at No. 1 Paradise Place and No. 2 Paradise Place, Drogheda.

AND WHEREAS Merelova Ltd requested a declaration on the question from Louth County Council on the 21st April 2022

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 68 of the Planning and Development Act, 2000 as amended,
- (d) Section 77(1) of the Planning and Development Act 2000, as amended,
- (e) The Architectural Heritage Protection Guidelines for Planning Authorities,
- (f) The nature and extent of works set out in the referral question which seeks to address the safety concerns in respect of this structure,

AND WHEREAS Louth County Council has concluded that:

- (i) the stated works, numbered (1) and (2) above, to the protected structures comprise of works and are, therefore, development, and
- (ii) the stated works numbered (1) and (2) above, would materially affect the character of the structure, and elements of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest
- (iii) the stated works would consist of the carrying out of works which would alter these structures and would affect the exterior of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures and would also materially affect the historic fabric of the structures.

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 numbered (1) and (2) above, to No. 1 Paradise Place and No. 2 Paradise, Drogheda as detailed by:

- (1) The Architectural Heritage Impact Assessment Report prepared by ACP Architectural Conservation Professionals
- (2) Structural Survey Report prepared by DRA Consulting Engineers



(3) Drawings 21-088-001; 21-088-C-110, 21-088-C-110, 21-088-C-120, 21-088-C-130, 21-088-C-140, 21-088-C-150, 21-088-C-160, 21-088-C-170, 21-088-C-200, 21-088-C-210, 21-088-C-220, 21-088-C-230, 21-088-C-240, 21-088-C-250, 21-088-C-300, 21-088-C-301, 21-088-C-302, 21-088-C-303, 21-088-C-400 and 21-088-C-401,

at No. 1 Paradise Place and No. 2 Paradise Place, Drogheda, **constitutes development that is NOT exempted development,**

CONCLUSION No. 2

I conclude, that WHEREAS a question has arisen as to whether the proposed developments numbered (3) to (12) under Section 10 of the Request for Section 57 Declaration:

3. Dry lining of all external walls
4. Replacement of PVC windows with hardwood heritage style sliding sash windows (Note this opinion is on the basis that replacement windows be appropriately detailed and the design and glazing pattern must have cognisance of historic records)
5. All existing timber windows to be repaired by specialist
6. All existing decorative cast iron gutters and railings to be repaired
7. Modern extension and stairs to be removed from rear elevation
8. New dropped ceiling to provide 60min compartmentation fitted below existing covings and decorative work shall be retained
9. Existing intermediate floor structural timbers to be retained and spliced to provide adequate loading capacity as required
10. Roof timbers to be access and repaired/replaced as required
11. Separating walls to be continued up to underside of roof level
12. Wall vents and all associated M&E service runs

would or would not materially affect the character of protected structures or any element of the structures which contributes to its special architectural, historical, archaeological, artistic, cultural; scientific, social or technical interest at No. 1 Paradise Place and No. 2 Paradise Place, Drogheda,

AND WHEREAS Marcelova Ltd requested a declaration on the question from Louth County Council on the 21st April 2022

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 68 of the Planning and Development Act, 2000 as amended,
- (d) Section 77(1) of the Planning and Development Act 2000, as amended,
- (e) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (f) the nature and extent of works set out in the referral question which seeks to address the safety concerns in respect of this structure,

AND WHEREAS Louth County Council has concluded that:

- (i) the stated works, numbered (3) to (12) above, to the protected structures comprise of works and are, therefore, development, and
- (ii) the stated works are required for the full refurbishment of all existing apartments within the said structures,
- (iii) the stated works numbered (3) to (12) above, 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,
- (iv) the stated works would consist of the carrying out of works for the maintenance, improvement and alteration of these structures being works which affect the interior of the structure and which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

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, numbered (3) to (12) above, to No. 1 Paradise Place and No. 2 Paradise, Drogheda as detailed by:

- (1) The Architectural Heritage Impact Assessment Report prepared by ACP Architectural Conservation Professionals
- (2) Structural Survey Report prepared by DRA Consulting Engineers
- (3) Drawings 21-088-001; 21-088-C-110, 21-088-C-110, 21-088-C-120, 21-088-C-130, 21-088-C-140, 21-088-C-150, 21-088-C-160, 21-088-C-170, 21-088-C-200, 21-088-C-210, 21-088-C-220, 21-088-C-230, 21-088-C-240, 21-088-C-250, 21-088-C-300, 21-088-C-301, 21-088-C-302, 21-088-C-303, 21-088-C-400 and 21-088-C-401,

at No. 1 Paradise Place and No. 2 Paradise Place, Drogheda, **constitutes development that is exempted development.**

Note to Applicant: For Clarity

The REQUEST FOR SECTION 57 DECLARATION pertained only to the proposed works numbered (1) to (12) detailed above. This determination relates to these works **and no other works**. Other works referenced in the Architectural Heritage Impact Assessment Report prepared by ACP Architectural Conservation Professionals, the Structural Survey Report prepared by DRA Consulting Engineers and which include, inter alia, those as set out below have **NOT** been assessed.

- Repairs to the existing roof structure and a new natural slate finish [LBS Vermont Non-Fading Green];
- Sections of external render replaced/repared using a lime based mortar;
- Replacement of timber lintels over window and doors reconstruction of window sills with new precast concrete lintels;
- Stitch front wall to internal wall and floors using Helifix Bowtie and Bow Tie HD;
- The removal of chimneybreasts, existing chimney and chimney stacks Removal of original doors and doorcases;
- Dismantling, reconstruction and provision of new stud walls throughout;
- Roof finish reconstructed;



- Repair of original timber purlins;
- Fill in coal bunkers;
- Repair reconstruction and pointing to perimeter wall using a lime based render finish;
- Replacement of roof on annex to rear elevation.

Signed by Inspector

Patricia Hughes (Senior Executive Planner)

Date: 16th May 2022

Signed by Planning Authority Officer

Joanna Kelly (Senior Planner)

Date: 17th May 2022

