

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:	Eoin & Cathy McGeeney		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	25 th August 2026	Date of Inspection:	24 th September 2026
Date of Issue of Declaration:	25 th September 2026	Previous Declarations:	None

Address:

Name of Building:

Address 1:

Address 2:

Address 3:

Eircode:

Location:

National Grid co-ordinates:

O.S. Map Type:

Map Sheet:

Site Number:

E N

Protection Status:

Y / N

Details:

Under the Planning and development Act 2000
(as amended)

Record of Protected Structures:

Y x

N

Protected Structure D494

Architectural Conservation
Area:

Y x

N

The Crescent ACA No. 21

Under the Planning and development Act 2000
(as amended)

Record of Monuments and
Places:

Y

N x

Zone of Archaeological
potential:

Y x

N

Preservation Order or
Temporary P.O.:

Y

N x

NIAH Registration No. (if applicable):

NIAH 13707040

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 No.2 The Crescent, Townparks, Dundalk, Co. Louth, A91 D8WV.



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 property D494 (NIAH 13707040) is described in the RPS as: *“Terraced two-bay two-storey with attic house, built c. 1880. Box bay window to North, return to South.”*.

Planning History:**Planning history on the subject site:**

None

Enforcement:

None

Description of the Structure:

The NIAH description of this regionally important property (NIAH Ref: 13707040) is as follows:

Terraced two-bay two-storey with attic house, built c. 1880. Box bay window to north, return to south. Pitched slate roof, crested ridge tiles, red brick corbelled chimneystack, clay pots; gabled dormer to roof, terracotta finial, painted timber bargeboards, painted smooth rendered walling to head, painted timber lintel, painted timber one-over-one sliding sash windows; moulded cast-iron gutter on corbelled eaves course, circular cast-iron downpipe. Red brick walling laid in Flemish bond, moulded brick string course to window heads of first floor. Square- and segmental-headed window openings, tooled limestone sills, ground floor windows with chamfered limestone lintels, painted timber one-over-one sliding sash windows. Square-headed door opening, chamfered brick reveals, chamfered ashlar limestone lintel, painted timber door with four flat panels, plain-glazed overlight, granite steps. Set back from road, garden to north bounded by red brick wall, granite coping, wrought-iron railings and gate. The NIAH appraisal of this property includes –

The RPS description of this property is as follows:

“Terraced two-bay two-storey with attic house, built c. 1880. Box bay window to North, return to South”.

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:

The refurbishment and conservation of seven existing traditional sash windows retaining the existing frames and sashes. Works will include repair of decayed timber, replacement of putty, sash cords and draught seals, servicing of pulleys, minor ironmongery upgrades and repainting. No alterations to the existing window openings or proportions are proposed”

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:

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

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.

I have reviewed the RPS and NIAH in respect of this property. I have also inspected the front of the property in September 2025 and considered the proposals included in Question 10 of the Section 57 Declaration Form.

Assessment of proposed elements

I consider the refurbishment and conservation of seven existing traditional sash windows retaining the existing frames and sashes, where works will include the repair of decayed timber, the replacement of putty, the replacement of sash cords and draught seals, the servicing of pulleys, minor ironmongery upgrades and repainting of the windows and where no alterations to the existing window openings or proportions are proposed 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.

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

- Declaration form.

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 No.2 The Crescent, Townparks, Dundalk, Co. Louth, A91 D8WV,

AND WHEREAS Eoin and Kathy McGeeney requested a declaration on the question from Louth County Council on the 25th August 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 pattern of development in the area,
- g) 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 the repair and maintenance of 7no. sash windows,

AND WHEREAS Louth County Council has Concluded that:

The nature of the proposed is development and is exempted development on the grounds that the works would not materially affect the character of A91 D8WV 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


David Hall, A/Senior Executive Planner

Date

25th September 2026