



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:	Mark Cassidy (Solicitor)		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	14/03/2022	Date of Inspection:	16/03/2022
Date of Issue of Declaration:	03/05/2022	Previous Declarations:	None on record

Address:	Location:		
Name of Building:	Hill House, St. Peter's Street	National Grid co-ordinates:	E 304392 N 306856
Address 1:	Drogheda	O.S. Map Type:	
Address 2:	Co. Louth	Map Sheet:	
Address 3:	A92 C951	Site Number:	

Protection Status:	Y / N		Details:
Under the Planning and development Act 2000 (as amended)			
Record of Protected Structures:	Y ✓	N	DB-214
Architectural Conservation Area:	Y ✓	N	ACA 11 – St. Peter's Church and Environs
Under the Planning and development Act 2000 (as amended)			
Record of Monuments and Places:	Y ✓	N	
Zone of Archaeological potential:	Y	N x	
Preservation Order or Temporary P.O.:	Y	N x	



NIAH Registration No.:

13619096 – Rated of Regional Importance and Architectural Interest

Description/Appraisal of the Structure:

Attached two-bay three-storey former house, built c. 1820, now in office use. Pitched artificial slate roof, clay ridge tiles, red brick corbelled chimneystack, stone coping parapet, gutter to south hidden by parapet, cast-iron gutters to north, circular cast-iron downpipes. Smooth rendered ruled-and-lined walling, rendered channelled quoins to ground floor and east elevation; red brick walling laid in Flemish bond, tooled limestone block-and-start quoins to first and second floors south elevation. Square headed window openings, painted stone sills, uPVC windows, wrought-iron guard to ground floor window. Round-headed door opening, plain-glazed fanlight, painted timber door with six raised-and fielded panels. Situated on north side of Saint Peter's Hill, at the corner of the churchyard. Street fronted.

Appraisal

Hill House displays a pleasing use of different materials, the red brick and render to the façade appealingly contrast with one another, forming a charming structure at the corner of the churchyard, a prominent location within the town.

Assessment/ Outline of Works:

Removal of an existing ground floor extension and the erections of a new two-storey extension to include ground floor office space with new toilet and washroom facilities to the first floor. External finishes to match existing structure.

The applicant advised during the site inspection on 16th March 2022, that the existing extension to the rear was to be removed and a two-storey extension constructed.

I have reviewed the NIAH record in respect of this property and have inspected the site.

As per the Planning and Development Act 2000, Section 4 1(h), the following shall be exempted development for the purposes of the Act (h): Development consisting of carrying out works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or 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.

Section 57 (1) Notwithstanding 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.

Special Remarks:

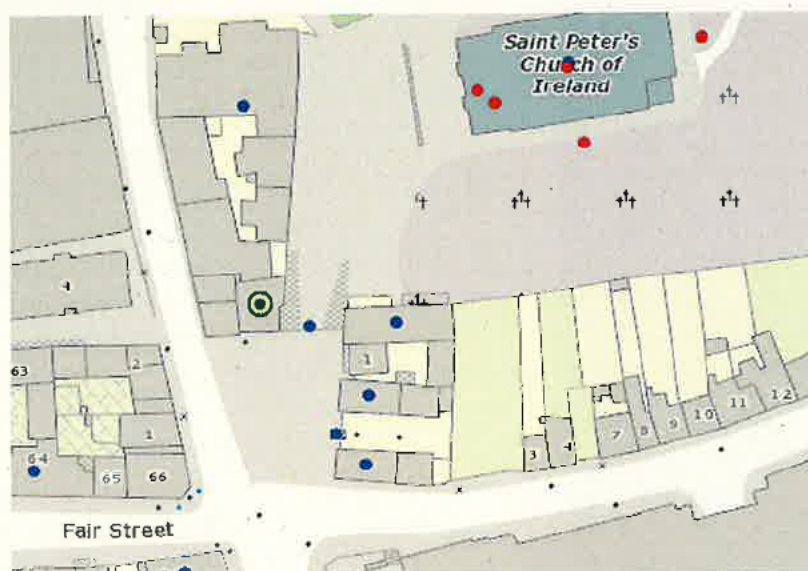
Based on the information submitted and having carried out a site inspection and reviewed the NIAH record, it is considered that the removal of the existing ground floor extension and erection of a new two-storey extension for commercial purposes require planning permission regardless of the status of the structure in question and no exemption pertains to extensions. A section 57 declaration allows for certain works to be considered which would not materially affect the character of the property.

Accordingly, the extent of works outlined is considered to be development which is not exempt development.



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

Figure 1: Map illustrating subject site (green dot)



Photograph 1: Side elevation illustrating area of works



Photograph 2: Illustrating rear door leading to the flat roof to the part two-storey rear extension.



Photograph 3: Photograph taken from flat roof of part two-storey extension looking down onto the flat roof of the single storey extension. Applicant advised during site inspection that the extension is to extend to the end and be two-storey in height





Photograph 4: Looking down onto the flat roof of the single storey extension which is proposed to be removed and a two-storey extension constructed



Recommendation:

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

WHEREAS the question has arisen as to whether the proposed 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 Hill House, St. Peter's, Drogheda, Co. Louth

AND WHEREAS Mark Cassidy, Solicitors requested a declaration on the question from Louth County Council on the 14th March, 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 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 removal of the existing ground floor extension and erection of a new two-storey extension constitutes "works" as defined in Section 2 of the Planning and Development Act 2000 (as amended);
- (ii) The removal of the existing ground floor extension and erection of a new two-storey extension constitutes "development" as defined in Section 3 of the Planning and Development Act 2000 (as amended) for which there is no exemption;
- (iii) The removal of the existing ground floor extension and erection of a new two-storey extension to a commercial structure requires planning permission
- (iv) The said development, therefore, does not fall 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 proposed works at Hill House, St Peter's Street, Drogheda, as detailed above, constitutes development that is not exempted development

Signed by Inspector

Ann McCormick (Assistant Planner)

Signed by Planning Authority Officer

Joanna Kelly (Senior Planner)

Date: 03/05/2022

Date: 03/05/2022