

**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):	Owner		
Date of Request for Declaration:	05/04/2023	Date of Inspection:	20 th March 2023
Date of Issue of Declaration:	27/06/2023	Previous Declarations:	DB 22-02

Address:	Location:		
		E	N
Name of Building:	1 and 2 Paradise Place	National Grid co-ordinates:	
Address 1:	William Street	O.S. Map Type:	
Address 2:	Drogheda	Map Sheet:	
Address 3:	Co. Louth	Site Number:	
Eircode:	A92 FF10		

**Protection Status:****Y**

Under the Planning and development
Act 2000 (as amended)

Record of Protected Structures:

Y ✓**N****Details:****DB-203 & DB-204**

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****ZAP 1: Drogheda**

Preservation Order or Temporary P.O.:

Y**N ✓**

NIAH Registration No. (if applicable):

13619113**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 Paradise Place, Drogheda. No. 1 and 2 Paradise Place were built 2no. properties but were the amalgamation in the nineteenth century.



Fig 1: Street elevation

**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-203/204) is described as two-bay, three-storey over basement rendered early 19th Century houses. Paradise Place was 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.

Planning History:

There is no history of any planning applications pertaining to this property.

Under S57 Declaration (Ref. DB 22-02) significant works to renovate existing apartments in this property were deemed to be exempted development. This work is underway on site. As the work has been progressed, issues in relation to the stability of the chimney on the gable elevation have become apparent and the extent of remedial works required. The applicant was thus advised to seek a Declaration in relation to repair works proposed.

Description of the Structure:

The NIAH appraisal of this property includes –

- 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.

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?

Repair to Paradise Place Gable Wall with the following Methodology.

1. Remove all cementitious materials.
2. The chimney stack material is numbered and deconstructed layer by layer.
3. The gable wall material is number and deconstructed level by level.
4. The gable wall is reconstructed to match existing, using the existing materials such as brick and stonework.
No reclaimed brick from other sites may be used. Any damaged brick is to be replaced with engineering brick.
5. Helibars are to be installed to ensure the gable wall and the front & rear wall are all tied together.
6. Mortar samples are to be carried out and the new mortar mix is to match existing.
7. Samples panels are to be produced and assessed by the Building Conservation Accredited Surveyor. Please note; notice is to be given to the conservation officer of Louth County Council, to facilitate their assessment onsite.
8. The entire gable wall is to be rendered with a lime render upon completion of the reconstruction.

Existing internal chimney breast will not be affected during these works.

**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.

Assessment:

Under Question 10 of the Request form, works that are proposed are described as repair to Paradise Place Gable Wall with the following Methodology

This Declaration is accompanied by a report entitled Repair Methodology for Paradise Place – Gable Wall prepared by ACO Architectural Conservation Professionals and 2no. reports prepared by Mable Consulting Engineers.

The first engineer's report followed an inspection on the 17th February 2023 identified that the external chimney breast was not properly keyed into the overall chimney breast as a result at ground, first and second floor levels it is at risk of collapsing.

A second report dated 28th March 2023, follows on from the previous report and has identified further problems. Photographs of the structure have also been submitted.

This engineer's latter report concludes:

- Large sections of the gable wall should be considered 'failed' and the current condition is dangerous.
- The gable wall and the front wall at corner have been moving over years and several repair measures were carried out previously to make good.
- Brick in the vicinity timber beam has failed due to overloading and other brickwork is crumbling.
- Without intervention measures the gable wall and the front wall at the south east corner will continue to move and crack and will lead to sections of wall collapsing.

This poor condition of the structure is evident in the photographs attached to the said reports.



The Repair Methodology has been prepared by ACO Architectural Conservation Professionals and details deconstruction and reconstruction works proposed. These are set in the description of the nature and scale of the development proposed under Section 10 above.

The works proposed are essential to safeguard the gable and front corner of this building from collapsing and hence the longevity of this protected structure. I am satisfied that the works are consistent with conservation principles and best practice guidance. The historic fabric of this building is to be re-used in the reconstruction of the chimney projection and gable. The proposed use of engineering brick where any existing brick is damaged is reasonable. It is stated that the internal chimney breasts will not be affected by the works proposed.

I am satisfied that the works proposed would not result in a material alteration to the character of this protected structure or would result in undue loss of historic material.

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

None



Conclusion:

I conclude, that WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration, that is, Repair to Paradise Place Gable Wall with the Methodology detailed entitled Repair Methodology for Paradise Place – Gable Wall, prepared by ACO Architectural Conservation Professionals, 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 1 and 2 Paradise Place,

AND WHEREAS Mercelova Ltd requested a declaration on the question from Louth County Council on the 5th April 2023,

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,
- (d) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (e) the nature and extent of works set out in the referral question in respect of this structure,

AND WHEREAS Louth County Council has concluded that:

- (i) the stated works to the protected structure comprise of works that are development,
- (ii) the stated 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,
- (iii) the stated works would consist of the carrying out of works for the maintenance, improvement and alteration of this structure 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,
- (iv) the proposed works would comprise development which comes within the meaning of 4(1) (h) and Section 57 of the Planning and Development Act 2000 as amended and would not therefore require planning permission.



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 work, that is, Repair to Paradise Place Gable Wall with the Methodology detailed entitled Repair Methodology for Paradise Pace – Gable Wall, prepared by ACO Architectural Conservation Professional as detailed under Section 10 of the Request for a Section 57 Declaration at 1 and 2 Paradise Place, William Street, Drogheda, **constitutes development that is exempted development.**

Signed by Inspector

Patricia Hughes, Senior Executive Planner

Date:

6th April 2023

Signed by Planning Authority Officer

Joanna Kelly, Senior Planner

Date:

6th April 2023