



An
Bord
Pleanála

Board Direction
ABP-303269-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 1st 2019.

The Board decided, as set out in the following Order, that the removal of three original, decorative, sliding-sash timber windows on the front elevation of no. 57 Anne Street, Dundalk, Co. Louth (located within The Crescent Architectural Conservation Area) and their replacement with uPVC windows is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the removal of three original, decorative, sliding-sash timber windows on the front elevation of no. 57 Anne Street, Dundalk, Co. Louth (located within The Crescent Architectural Conservation Area) and their replacement with uPVC windows is or is not development or is or is not exempted development:

AND WHEREAS Louth County Council requested a declaration on this question from An Bord Pleanála, on the 19th day of December 2018.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Sections 4(1)(h) and 82(1) of the Planning and Development Act, 2000, as amended,
- (c) Articles 6(1) and 9(1)(a)(xii) of the Planning and Development Regulations, 2001, as amended,
- (d) The submissions on file from the planning authority and from the owner / occupier regarding the design and external appearance of the existing structure, prior to and following the carrying out of the development that is the subject matter of this referral, and regarding the character of the existing neighbouring structures and of the overall Architectural Conservation Area in which it is located,
- (e) the provisions of the Dundalk and Environs Development Plan 2009-2015, as extended, as they relate to the designated Architectural Conservation Area (ACA 3 - The Crescent), and
- (f) the Architectural Heritage Protection Guidelines for Planning Authorities (Minister for Arts, Heritage and the Gaeltacht 2011).

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The removal of the original windows and their replacement by uPVC windows involves the carrying out of works, and is therefore development within the meaning of the Planning and Development Act, 2000, as amended;
- (b) This development does not come within the scope of the exemption provided for in Section 4 (1)(h) of the Planning and Development Act, 2000, as amended, because, while the development involves works for the maintenance, improvement or other alteration of the subject structure, it materially affects the external appearance of the structure so as to render this appearance inconsistent with the character of this structure;

- (c) Furthermore, the development in question materially affects the character of the Crescent Architectural Character Area by reason of the design of the uPVC frames of the windows and the materials used, and their external appearance, having regard to the elements and character of the Architectural Conservation Area, as set out in the Dundalk and Environs Development Plan 2009-2015 as extended, and accordingly the provisions of Section 82 (1) of the Planning and Development Act, 2001, would apply in this instance;
- (d) There are no other provisions, in the Planning and Development Act 2000, as amended, and in the Planning and Development Regulations, 2001, as amended, by which the development in question would constitute exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (4) of the Planning and Development Act, 2000, as amended, hereby decides that the removal of three original, decorative, sliding-sash timber windows on the front elevation of no. 57 Anne Street, Dundalk, Co. Louth (located within The Crescent Architectural Conservation Area) and their replacement with uPVC windows is development and is not exempted development.

Board Member

Date: 1st May 2019

Philip Jones