



Comhairle Contae Lú
Louth County Council

12th December, 2018

An Bord Pleanála
64 Marlborough Street
Dublin 1

Re: Section 5 Declaration

AN BORD PLEANÁLA	
LDG- <u>010912-18</u>	
ABP- _____	
19 DEC 2018	
Fee: € <u>116</u>	Type: <u>Cheque</u>
Time: <u> </u>	By: <u>Post.</u>

Dear Sir/Madam,

1. The question upon which the declaration is sought:

Does the removal of three original, decorative, sliding - sash timber windows in the front elevation of no. 57 Anne Street, Dundalk, Co. Louth (located within The Crescent Architectural Conservation Area) and their replacement with uPVC require planning permission?

2. Drawings, plans, photographs and any other particulars necessary to identify and describe the matter to which the question relates

Enclosed:

- a. 2 no. photographs taken in October 2016 showing original windows
- b. 3 no. photographs taken on the 9th March 2018 of replacement windows
- c. Site layout drawing

3. Any relevant planning history (including details of any previous or related section 5 requests / Declarations)

- a. No relevant planning history.
- b. Enforcement File 17U108 pertains to this matter. A warning letter was issued in July 2017, an enforcement notice in November 2017 (required the replacement of the three windows with single glazed timber replicas of the original timber sliding sash windows) and case subsequently dismissed in District Court on 1st November.

In Court the Judge asked if the owners of the adjoining properties that had also changed to PVC had been prosecuted by the Council. When it was confirmed to him that no such prosecution took place the Judge was of the opinion that this was discrimination and that he did not need to hear any further evidence and indicated he was dismissing the case.

- c. Copy of correspondence from Agent dated 17th August 2017 – considered that development was exempted development

Comhairle Contae Lú
Halla an Bhaile
Sráid Crowe
Dún Dealgan
Contae Lú
A91 W20C

Louth County Council
Town Hall
Crowe Street
Dundalk
County Louth
A91 W20C

Local 1890 202303
T + 353 42 9335457
F + 353 42 9334549
E info@louthcoco.ie
W www.louthcoco.ie

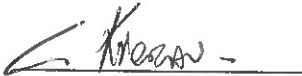
Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome

- d. Correspondence from Council dated 6th October, 2017 - advising that development was not exempt.
- e. All information necessary for the planning authority to conclude that the development or use does not come within the scope Article 9 of the Planning and Development Regulations 2001, as amended (the Regulations), which removes the exempted status from certain developments

N/A

Cheque in respect of fee for €110 enclosed.

Yours faithfully,



Cathriona Kieran
Staff Officer
Compliance (Planning Enforcement) Section

Direct Line – 042 9324118

Email – planningenforcement@louthcoco.ie

AN BORD PLEANÁLA	
LDG- _____	
ABP- _____	
19 DEC 2018	
Fee: € _____	Type: _____
Time: _____	By: _____

Oct. 2016



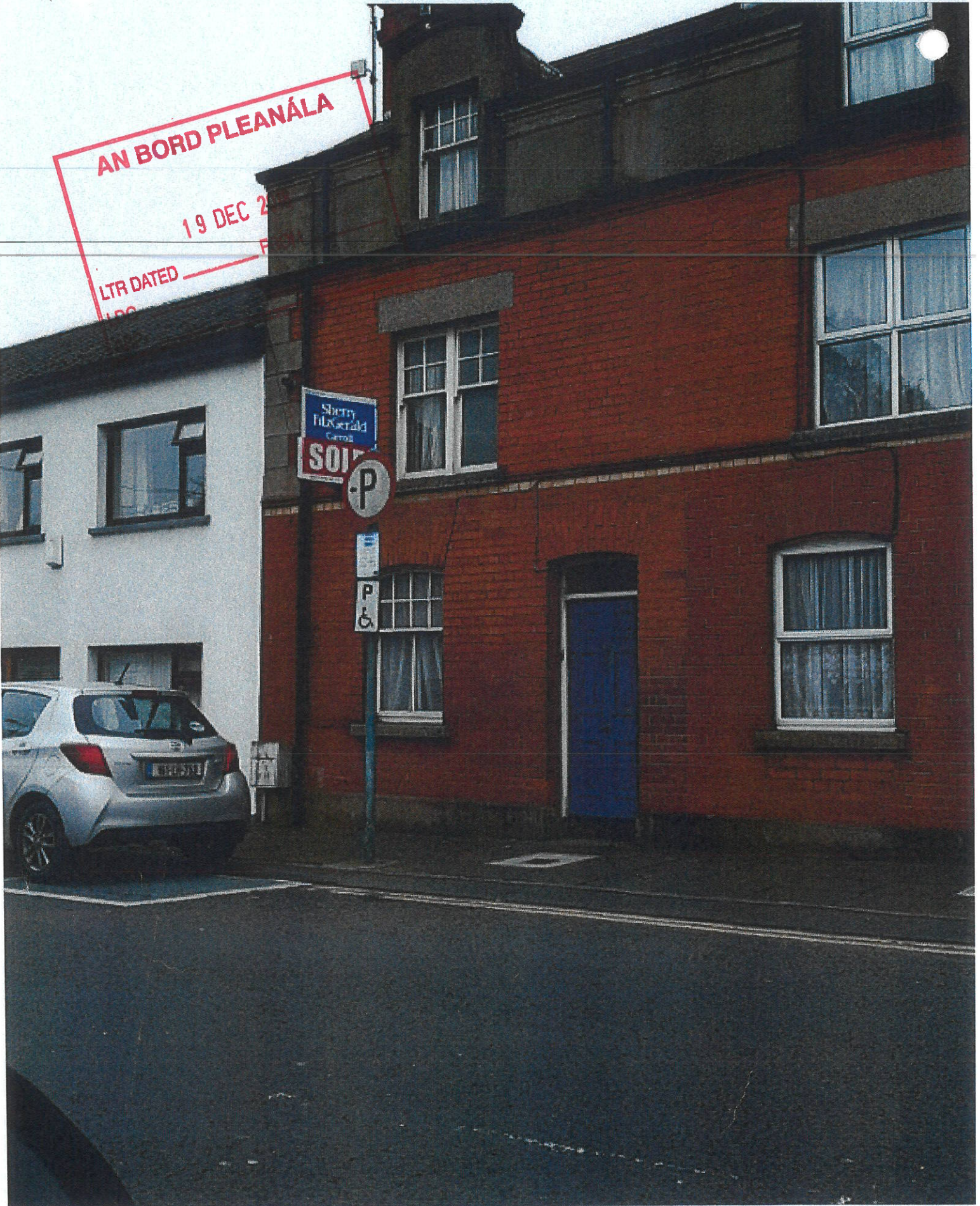
Oct. 2016

AN BORD PLEANÁLA

19 DEC 2016

LTR DATED

Sherry
Fitzgerald
Carroll
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9/3/16

BORD PLEANALA
19 DEC 2016
LTR DATED
LDG.
ABP.

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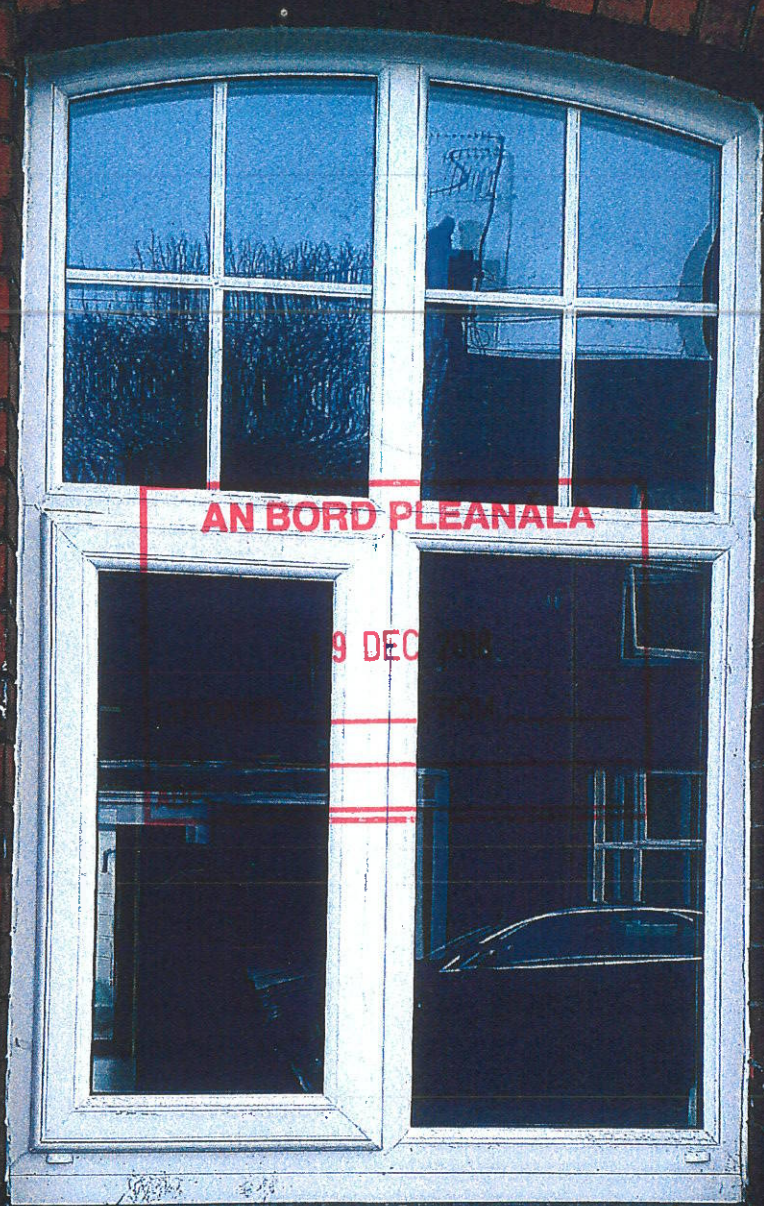
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AVAILABLE
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BORD PLEANAALA
17 DEC 2018
FROM _____
LTD DATED _____
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913/18



AN BORD PLEANALA

9 DEC

9/3/18

AN BORD PLEANÁLA

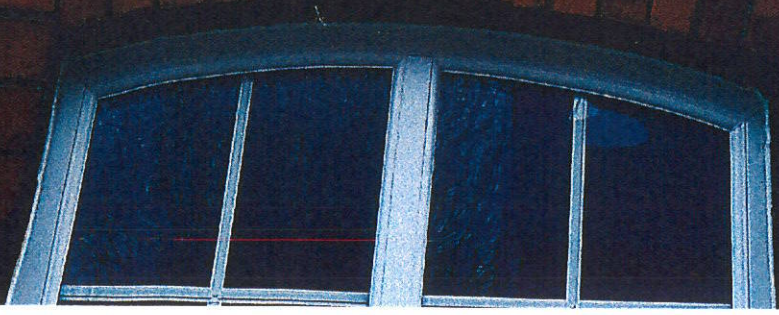
19 DEC 2018

LTR DATED _____ FROM _____

LDG- _____

APP _____

EMERY
EMERY
CARRON
012-225-2025
087-225-2025
FOR SALE



Lisa,

Please ack, SCAN: update Inf. System - refer to Patricia Seamus.

Thank you



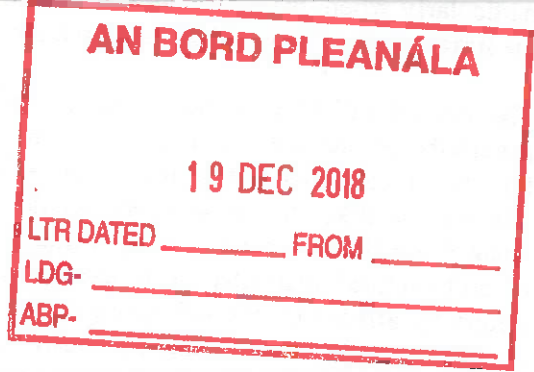
154 Riverside Drive
Red Barns Road
Dundalk
County Louth



P Services

17th August 2017

Compliance (Planning)
Louth County Council
Town Hall
Crowe Street
Dundalk
Co. Louth



Dear Sir or Madam

RE: ENFORCEMENT FILE 17-U108 -NO. 57 ANNE STREET, DUNDALK, CO. LOUTH.

EHP Services has been appointed by Mr Kevin McManus, Canal Road, Mooretown, Dromiskin, Dundalk, Co. Louth to respond to your Warning Letter dated 28th July 2017.

It is our considered opinion that the works recently carried out to No.57 Anne Street constitutes exempted development under the definition provided under Article 4(1)(h) – Exempted Development of the Planning & Development Act 2000 (as amended) which states:

- 4. – (1) *The following shall be exempted development for the purpose of this Act –*
 - (h) *development consisting of the carrying out of 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;*

The property's front windows were in a very bad state of disrepair having deteriorated to the point where they were allowing the cold and damp to affect the interior of the dwelling. It was not possible to refurbish the warped and rotted window frames and cracked window panes so the decision was made to replace them in order to maintain the property and restore it to a higher level of habitability.

Louth County Council

21 AUG 2017

Environmental Heritage Planning Customer Services Dundalk

154 Riverside Drive, Red Barns Road, Dundalk

Tel.: 086 826 8390
Email: ehpservices1@gmail.com
Web: www.ehpservices.ie

Unlike numerous neighbouring properties, special care was taken in selecting the replacement windows which duplicated the original window's overall appearance, style, mullions & pane size (see enclosed photographs).

The only difference between the original and existing windows is that the replacement windows are not timber or sash. This difference is negligible and not of sufficient substance to reasonably consider the new windows to be unauthorised development particularly when one considers the lack of material impact upon the visual character of the surrounding Architectural Conservation Area (ACA) No.3.

The use of uPVC windows is so prevalent amongst Anne Street properties that it materially defines the physical and visual character of the streetscape and therefore, in turn, to the character and setting of the ACA. Properties either side of No.57 have uPVC windows. Unlike the replacement windows of No.57 the majority of uPVC windows along Anne Street are not of a style that is respectful or reflective of that structures' age or architectural character. The careful selection of replacement windows does not materially affect the external appearance and existing character of No.57 so as to render its current appearance materially different from its previous appearance; make it inconsistent with the commonplace use of uPVC in the majority of neighboring structures or the visual quality, architectural integrity or character of ACA.

The replacement windows meet the criteria set forth in Section 4(1)(h) of the Planning Act to be considered exempted development. Consequently the guidance pertaining to ACA 3 as set out in Appendix 7 of the Dundalk & Environs Development Plan 2009-2015 is not applicable.

We remain confident that this matter does not warrant consideration of any further action and would request written confirmation that enforcement file 17 U118 has now been closed.

If you have any queries regarding the above please do not hesitate to contact me. I look forward to your receiving your reply at your earliest convenience.

Regards

Tony Eubanks.

Environmental Heritage

154 Riverside Drive, Red Barns Road, Dundalk



Tel.: 086 826 8390
Email: ehpservices1@gmail.com
Web: www.ehpservices.ie

6th October 2017

Tony Ewbanks
EHP Services
154 Riverside Drive
Red Barns Road
Dundalk
Co. Louth

AN BORD PLEANÁLA

19 DEC 2018

LTR DATED _____ FROM Ref. 17 U108

LDG- _____

ABP- _____

Re: Unauthorised removal of three sash windows and their replacement with Upvc windows in the front elevation of 57 Anne Street, Dundalk, Co Louth

Dear Sir,

I refer to your submission dated 17th August 2017 in respect of the above development. Number 57 Anne Street, is located within The Crescent Architectural Conservation Area.

Section 82 of the Planning and Development Act stipulates that – 'Notwithstanding section 4 (1) (h), the carrying of works to the exterior of a structure located in a conservation area shall be exempted development only if those works would not materially affect the character of the area'.

It is the opinion of the Planning Authority that the removal and replacement of the original sash wooden windows within this Conservation area do materially affect the external appearance of this dwelling and hence these works are not exempted development. Hence, I can confirm that enforcement file 17 U108 has not been closed.

Would you please confirm your client's intentions on how he proposes to rectify the above unauthorised works within two weeks of this correspondence. After this period, this case shall be reviewed and further enforcement proceedings may be instigated.

Yours faithfully,

**Cathriona Kieran
Acting Staff Officer
Compliance (Planning Enforcement) Section**

**Direct Line – 042 9324118
Email – planningenforcement@louthcoco.ie**

***Correspondence in this matter should be addressed to;
Compliance (Planning), Louth County Council, Town Hall, Dundalk, Co. Louth.***

