

Ref: 1027/01

ROBERT KENNY

ARCHITECTURAL & ENGINEERING SERVICES

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Email
27th No

RD PLEANÁLA
LOUTH

222 163 -19

DEC 2019

Type: *Cheque*

By: *Post*

An Bord Pleanála
64 Marlborough St
Dublin 1,
D01 V902

Application for declaration on development and exempted development under Part 1 of Section 5 of the planning and development act 2000 (as amended)

Extension to existing vernacular stone cottage at Townleyhall, Drogheda, Co Louth

Ms Sheila Finnamore

Planning Reference S5 2019/53

Dear Sirs

An behalf of the applicant, Ms Sheila Finnamore, Townley Hall, Tullyallen, Drogheda, Co Louth we wish to appeal the decision by Louth County Council to refuse a Declaration of Exemption for a proposed extension to the rear of an existing vernacular stone cottage at Townleyhall, Drogheda, Co Louth.

A Declaration of Exemption was requested following a Warning Letter issued by Louth County Council. We understand that the Warning Letter was issued on the foot of a vexatious representation made to the Local Authority from an adjoining owner. Works on the refurbishment of the cottage and on the extension were well advanced on site when the warning letter was issued. The representation was made when the building was in its most vulnerable stage with the roofing works been only partially completed. All works have ceased on site. There is no obligation under the Planning Acts to obtain a Section 5 Declaration prior to commencing works on an exempted development. Works would not have commenced if there was any question if the same were exempted development or not.

Drawings of the extension are attached. These have been modified slightly from the construction on site following discussions with Ms Patricia Hughes, Executive Planner, Louth County Council to ensure compliance with the exempted development requirements. The works will be completed in accordance with these drawings.

Robert Kenny MACEngMIEI MStructE

The decision of the Local Authority appears to be based on site inspections carried out and photographs taken well after the works had commenced on site. These do not give a true representation of the condition of the cottage before works commenced.

The existing cottage is located on the former Golf Club at Townley Hall. The cottage was not occupied before the refurbishment works started and indeed had not been occupied during the time the surrounding lands were used as a Golf Course as access was restricted. The golf course was established in 1994 and closed last year. The cottage was last occupied by Tommy and Elizabeth Moran and their three children, Eileen, Tommy and Bernard. Mrs Moran died in 2015. The cottage was covered with a luxuriant growth of ivy prior to the commencement of the works. As part of the works the ivy, roof, windows and internal walls were removed before Louth County Council instructed works to cease.

Photographs of the cottage are enclosed.

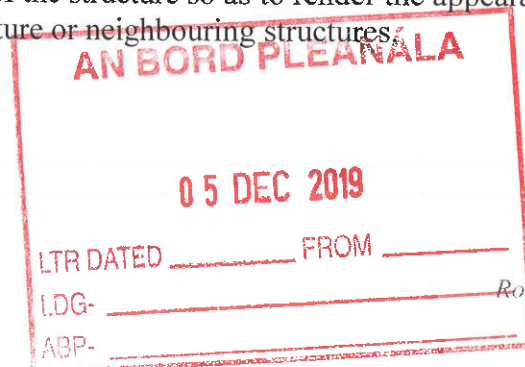
Letters from the majority of the surrounding neighbours are enclosed. Most of these people have lived in the area for generations.

The cottage was last used as a dwelling and was not derelict. A partially completed refurbishment project does not constitute a derelict house. The cottage therefore is a 'habitable house' as defined in the Planning and Development Act 2000 being a house which is not in use but when last used, disregarding any unauthorised use, as a dwelling and is not derelict.

The cottage is clearly shown on all the Ordnance Survey maps up to and including the current maps. (See attached). For the avoidance of doubt, the convention on Ordnance Survey maps to shade all buildings with a roof in grey. The cottage is shown as roofed on all Ordnance Survey maps from 1835 to present.

It is also clearly visible on all the aerial surveys retained by the Ordnance Survey (see attached). The roofed structure is clearly visible on the aerial images with gradual encroachment of the ivy.

The existing cottage is being refurbished as part of the works. No alterations are proposed which will affect the external appearance of the existing cottage. As is usual with this type of work, the cottage is being re-roofed using the existing salvaged materials where possible. These works are a Section 4(h) exempted development being works 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 neighbouring structures.



Robert Kenny MACEngMIEI MIStructE

The modest extension is located to the rear of the existing cottage and has a total floor area of 39.5m². Such extensions are a Class 1 Exempted Development as defined in part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended):

1 (a) The cottage has not been extended previously and the floor area of the extension does not exceed 40m².

1(b) The cottage is detached and is located on a large site.

1(c) The cottage is detached and the total floor area of the extension is at ground floor level.

2(a) The cottage has not been extended previously

2(b) The cottage is detached.

2(c) The cottage is detached and has not been extended previously

3. The extension is in excess of 2.0m from any party boundary.

4(a) The height of the walls of the extension do not exceed the height of the rear wall of the house.

4(b) The height of the walls of the extension do not the height of the side walls of the house.

4(c) The height of the highest part of the roof of the extension does not exceed the height of the highest part of the roof of the existing cottage.

5. The extension does not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25m². The open space remaining is in excess of 500m².

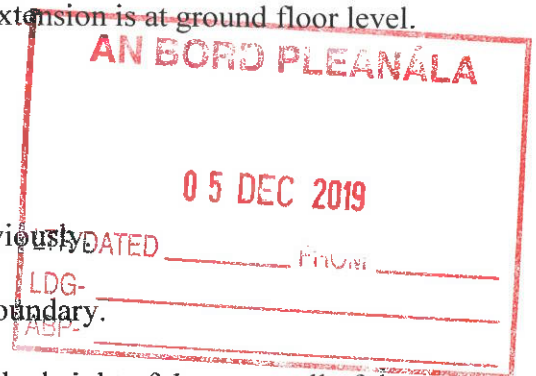
6(a) The windows in the extension are greater than 1.0m from the boundaries they face.

6(b) There are no windows in the extension above ground floor level.

6(c) There are no windows in the extension above ground floor level.

7. The roofs on the cottage and the extension are pitched and therefore cannot be used as a balcony or roof terrace.

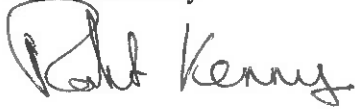
Furthermore the extension, being of modest size, does not interfere with the character of the landscape or a view or prospect of special amenity value or special interest.



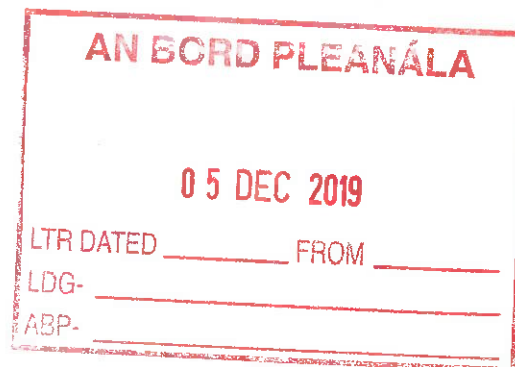
As required we enclose a cheque for €220 and a copy of the Declaration issued by Louth County Council.

We look forward to receiving your decision in due course but please let us know if you have any queries in the meantime.

Yours faithfully



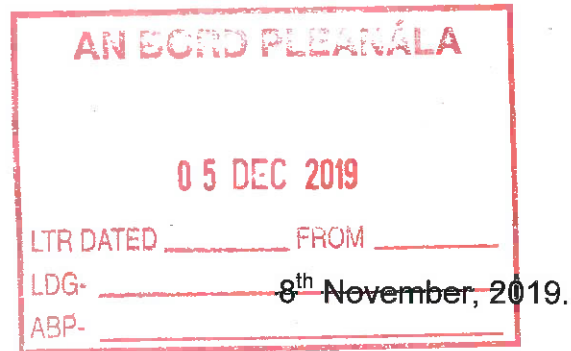
Robert Kenny





Comhairle Contae Lú
Louth County Council

Ms. Sheila Finnermore,
c/o Robert Kenny,
Townley Hall,
Drogheda,
Co. Louth.



RE: Ref. S5 2019/53

Re: Application for Declaration of "Exempted Development" Part 1, Section 5, Planning & Development Act 2000 (as amended) whether the proposed extension to rear of existing vernacular stone cottage at Townleyhall, Drogheda, Co. Louth is or is not exempt development within the meaning of the Planning and Development Act, 2000 (as amended)

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 23rd October, 2019 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows:-

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) whether the development described above is exempt from the requirement to obtain planning permission,

AND WHEREAS the said question was referred to Louth County Council on the 23rd October 2019.

AND WHEREAS Louth County Council in consideration of this question has had regard particularly to:

- (a) Section 2, 3 and 4 of the Planning and Development Act, 2000 (as amended),
- (b) Class 1 of Schedule 2, Part 1, Exempted Development – which is the relevant exempted development class as set out in the Planning and Development Regulations 2001 (as amended)

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

Louth County Council
Town Hall
Crowe Street
Dundaik
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 chomhfhreagrás Gaeilge - Correspondence in Irish is welcome



AND WHEREAS Louth County Council has concluded based on the information submitted that: -

The development described as "extension to rear of existing vernacular stone cottage" is not considered to be exempted development Under Section 2, 3 and 4 of the Planning and Development Act, 2000 (as amended) nor Class 1 in Schedule 2, Part 1 of the Planning & Development Regulations, 2001 (as amended). The Planning Authority is satisfied that the structure on site was not a house and there is no exemption to the extension of a derelict structure.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5 (2) (a) of the Planning and Development Acts 2000 (as amended), hereby decides that the development is 'development' and is not 'exempted development'.

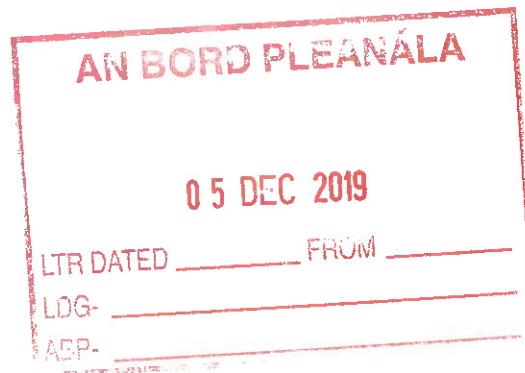
In Summary

A Declaration of Exemption is hereby REFUSED for the proposed extension to rear of existing vernacular stone cottage at Townleyhall, Drogheda, Co. Louth

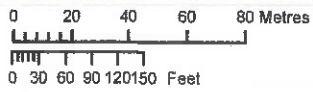
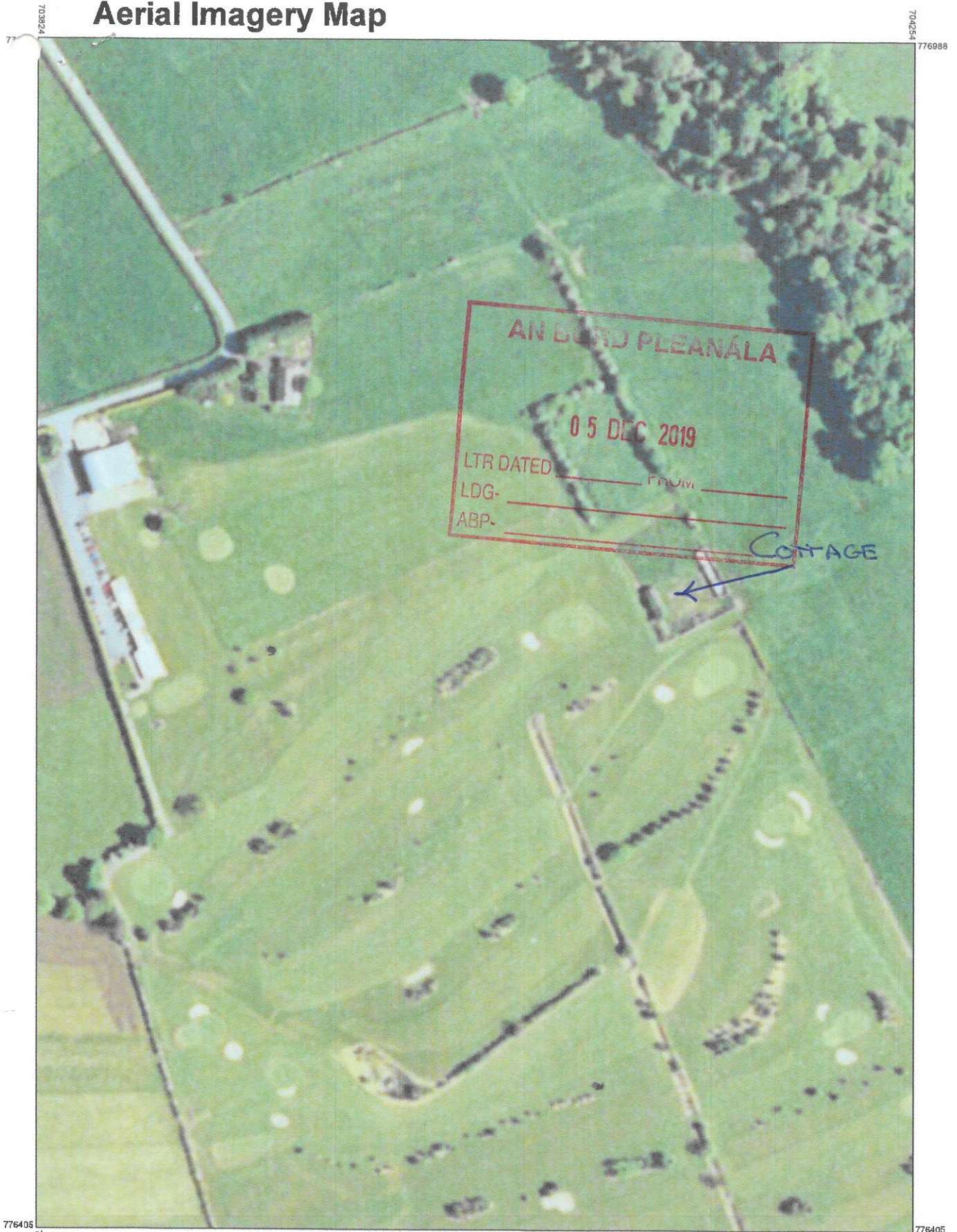
This decision may be referred by you to An Bord Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Yours faithfully,

Celine Breen
Celine Breen
Planning Section.



Aerial Imagery Map



OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:
ITM 704039,776697

PUBLISHED: 21/11/2019
MAP SERIES: 2005 Ortho
ORDER NO.: 50095394_1
MAP SHEETS: 0702776
2005 Ortho 0704776

CAPTURE RESOLUTION:
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LEGEND:
<http://www.osi.ie>; search 'Large Scale Legend'

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Aerial Imagery Map

704226

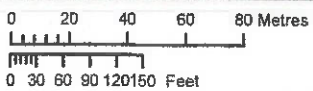
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776368

Ordnance Survey Ireland

776366



OUTPUT SCALE: 1:2,500

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ITM 704011,776658

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MAP SHEETS: 0702776, 0704776

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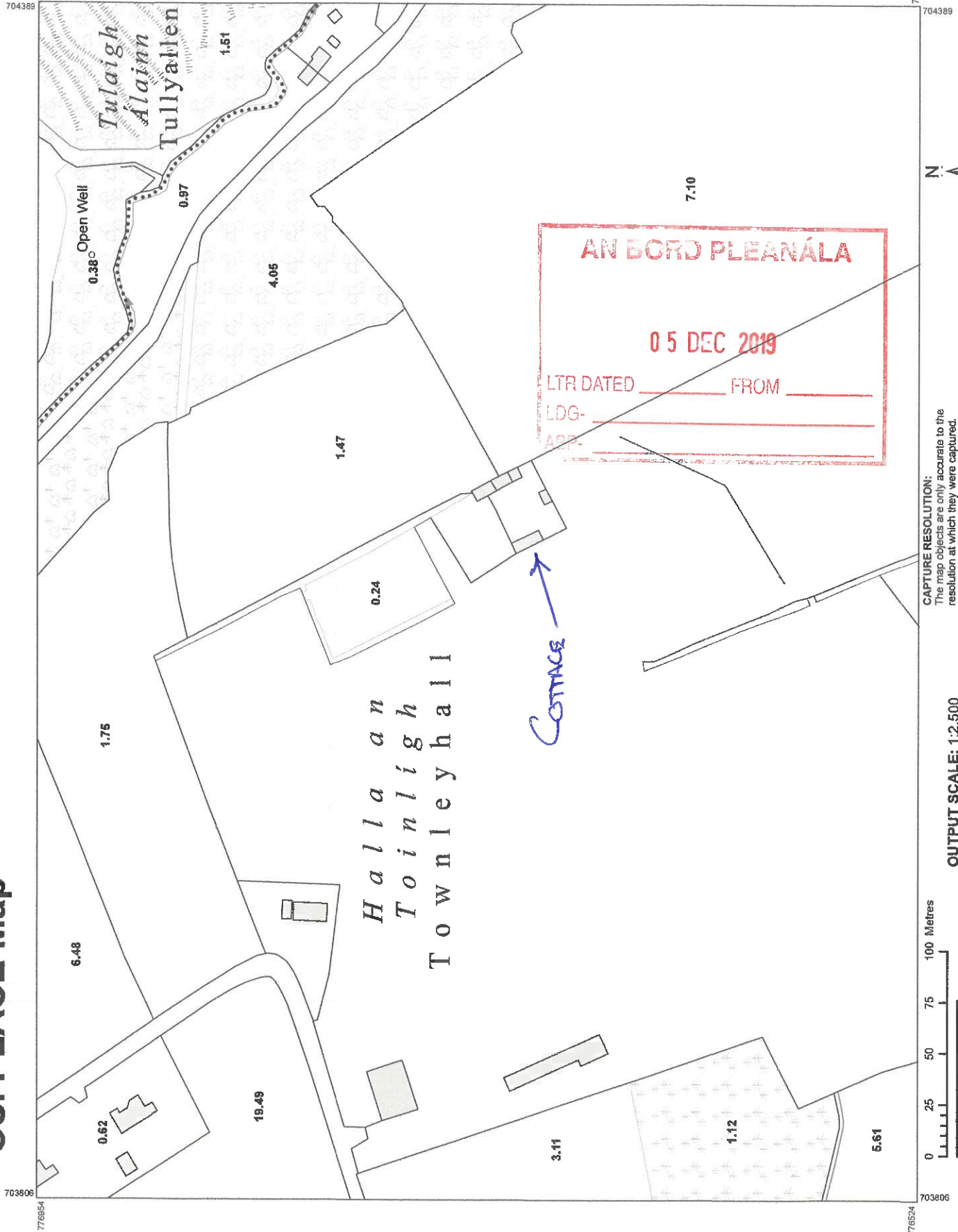
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OSi PLACE Map



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PUBLISHED: 11/02/2019
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MAP SHEETS: 2317
2317-B
2318-A

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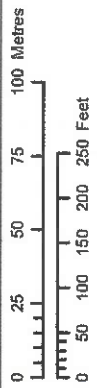
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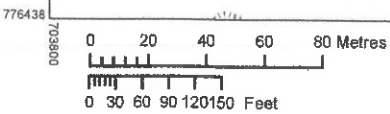
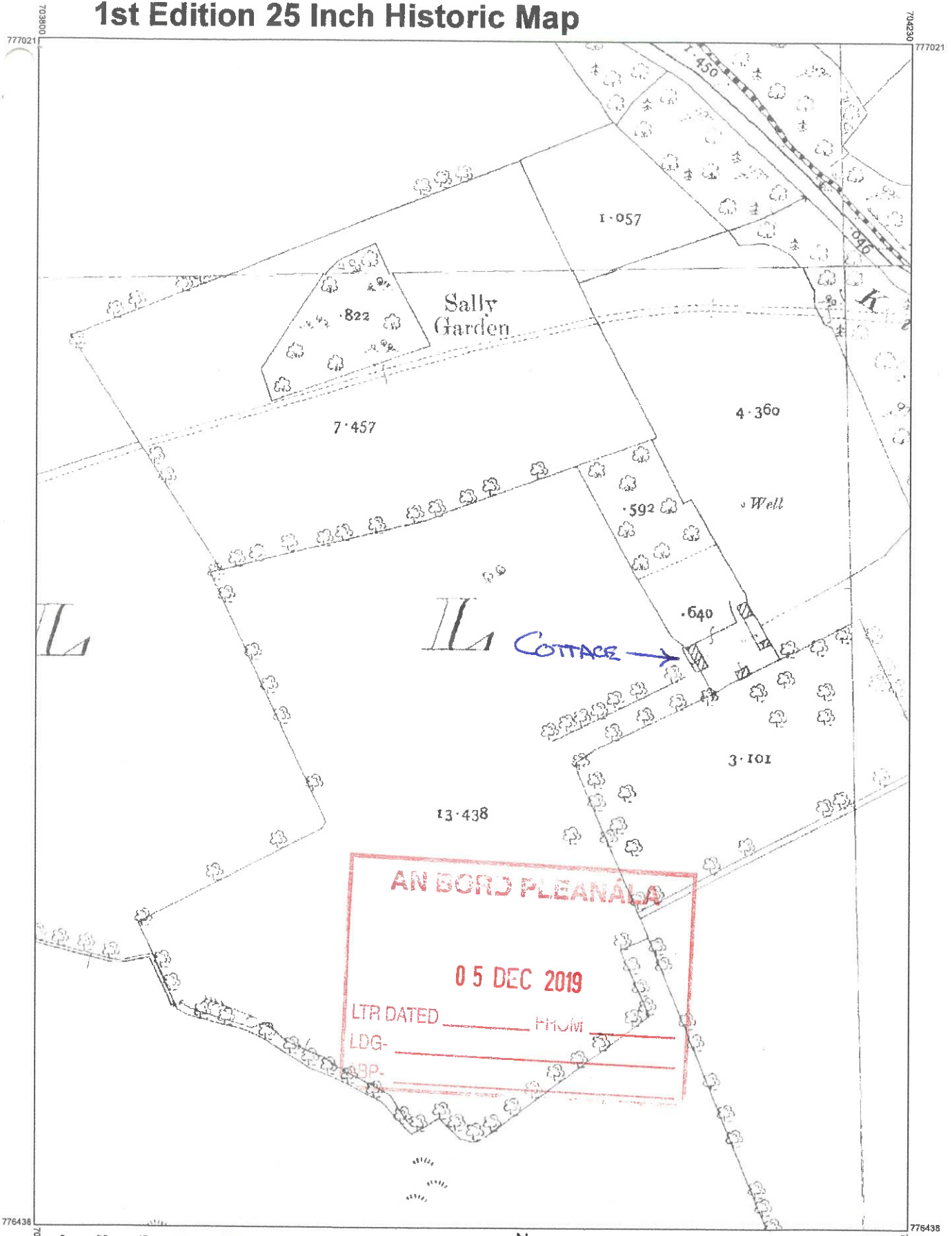
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OUTPUT SCALE: 1:2,500



1st Edition 25 Inch Historic Map



OUTPUT SCALE: 1:2,500



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CENTRE COORDINATES:
ITM 704015,776730

PUBLISHED: 21/11/2019
MAP SERIES: 25 Inch Raster
MAP SHEETS: LH024-01, LH024-02, LH024-05, LH024-06

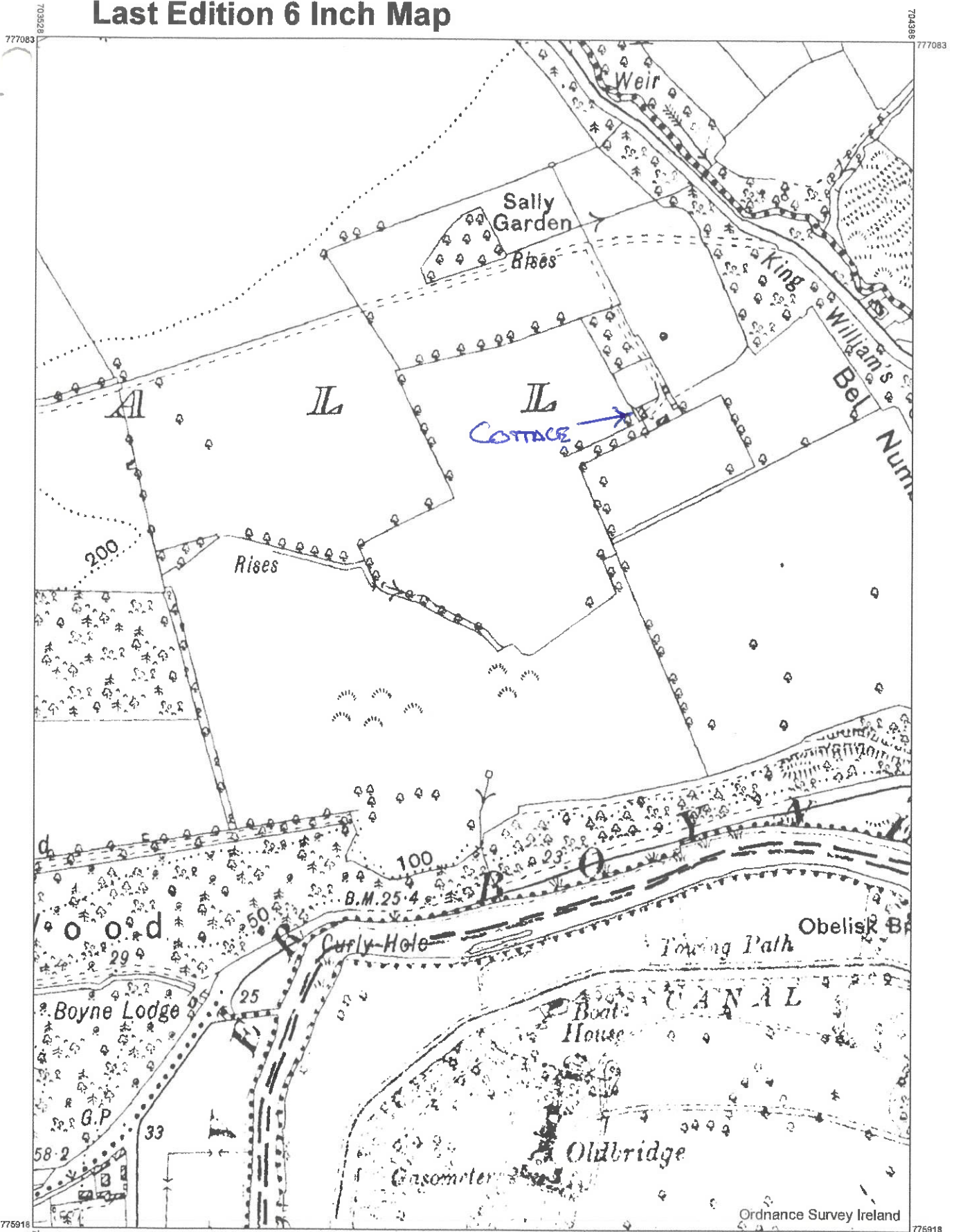
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Last Edition 6 Inch Map



Ordnance Survey Ireland



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CENTRE COORDINATES:
ITM 703958,776501
PUBLISHED: 21/11/2019
MAP SERIES: 6 Inch Raster
ORDER NO.: 50095394_5
MAP SHEETS: LH024 MH020

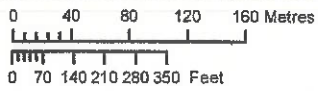
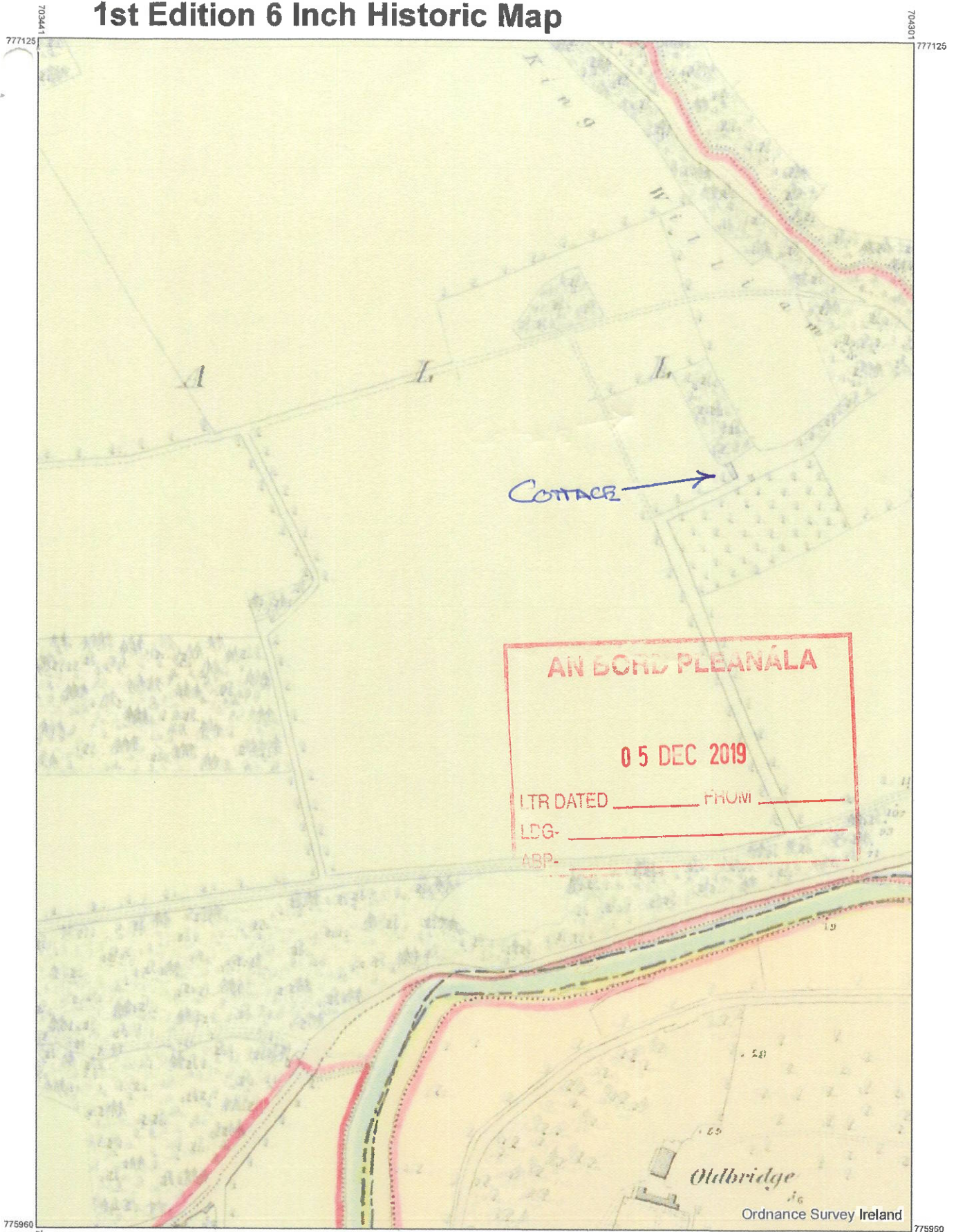
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1st Edition 6 Inch Historic Map



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CENTRE COORDINATES:
ITM 703871,776543
PUBLISHED: 21/11/2019
ORDER NO.: 50095394_3
MAP SERIES: 6inch COL ED01 LH024
MAP SHEETS: 6inch COL ED01 MH020

CAPTURE RESOLUTION:
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LETTERS FROM RESIDENTS & OWNERS ON
ROAD APPROACHING HOUSE.
MOST HAVE LIVED HERE FOR
GENERATIONS.

To whom it may concern,

Re: Sheila Finnamore, Cottage at Townley Hall, Tullyallen, Drogheda, Co. Louth.

We, as residents and neighbours of Sheila Finnamore, wish to confirm that we fully support Sheila in the refurbishment of the existing cottage at the above address and have no objections in her carrying out all and any work necessary to the pursuit of this.

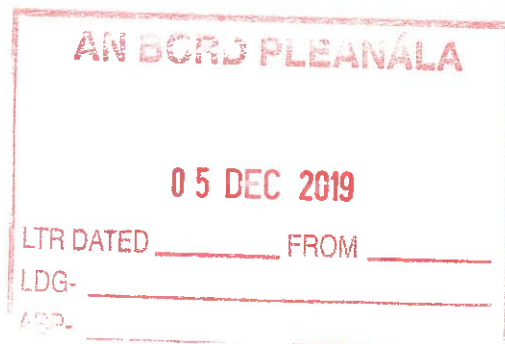
We are delighted to see that the cottage on this farm is being refurbished, therefore mitigating the chances that this property could become derelict and be used for anti-social behaviour.

In renovating this cottage Sheila Finnamore will once again revive this building giving it a new lease of life and therefore improve the aesthetics of the locality.

We would like to wish Sheila and her family our sincere support and welcome them into our neighbourhood.

Yours sincerely,

Margaret Henly



To whom it may concern,

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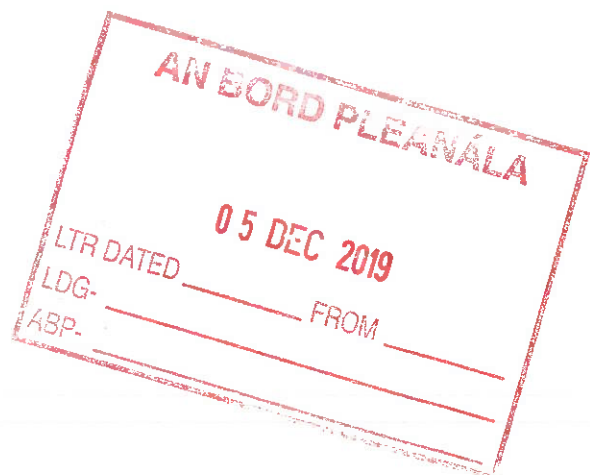
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Yours sincerely,

Emma Barnett



To whom it may concern,

Re: Sheila Finnermore, Cottage at Townley Hall, Tullyallen, Drogheda, Co. Louth.

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Yours sincerely,

Stephen Healy



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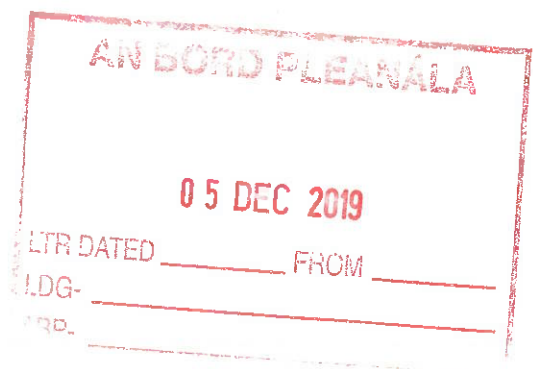
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Yours sincerely,

Patrick & Sarah-Jane
Carpu Carolan



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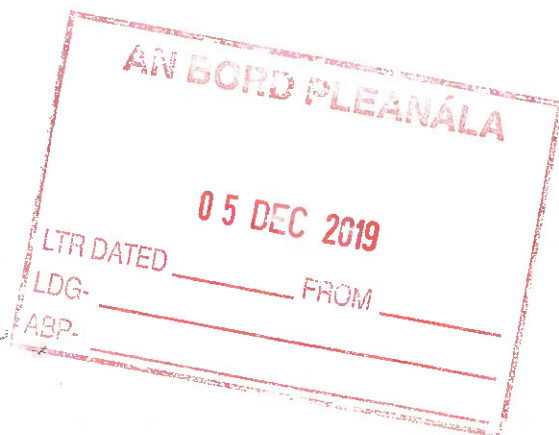
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Yours sincerely,

Simon & Geraldine Coghlan



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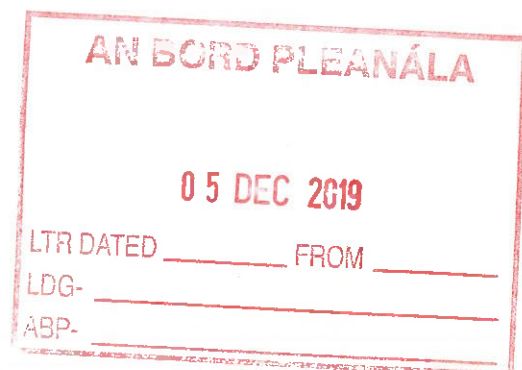
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Yours sincerely,

Margaret McKeown.



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Yours sincerely,

Collete McKeown



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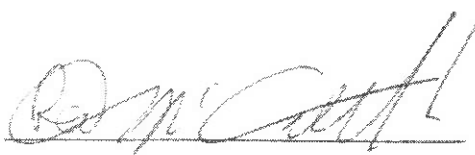
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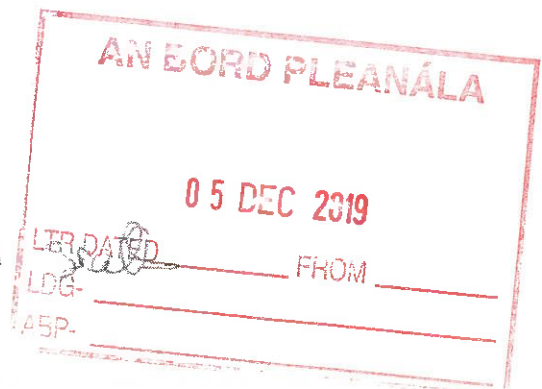
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Yours sincerely,


Townley Hall
Tullyallen



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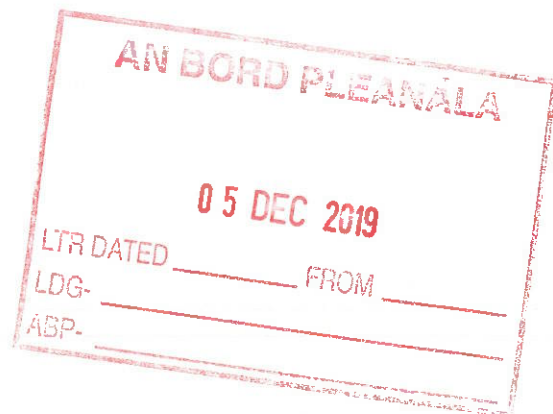
We are delighted to see that the cottage on this farm is being refurbished, therefore mitigating the chances that this property could become derelict and be used for anti-social behaviour.

In renovating this cottage Sheila Finnamore will once again revive this building giving it a new lease of life and therefore improve the aesthetics of the locality.

We would like to wish Sheila and her family our sincere support and welcome them into our neighbourhood.

Yours sincerely,

Olivia Cunningham
Old Golf Course Rd.
Townley Hall
Tullyallen, Drogheda





To whom it may concern,

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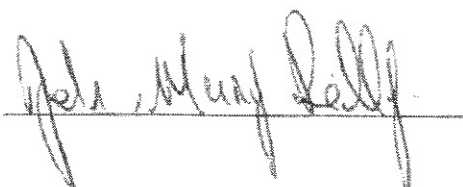
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Front Elevation before start of works



Rear Elevation before start of works

AN BORD PLEANÁLA

05 DEC 2019

LTR DATED _____ FROM _____

LDG- _____

ASP- _____

AN BORD PLEANÁLA

05 DEC 2019

LTR DATED _____ FROM _____

LDG- _____

ABP- _____



Front Elevation – ivy roof and plaster removed



Rear Elevation – ivy roof and plaster removed



Kitchen



Kitchen

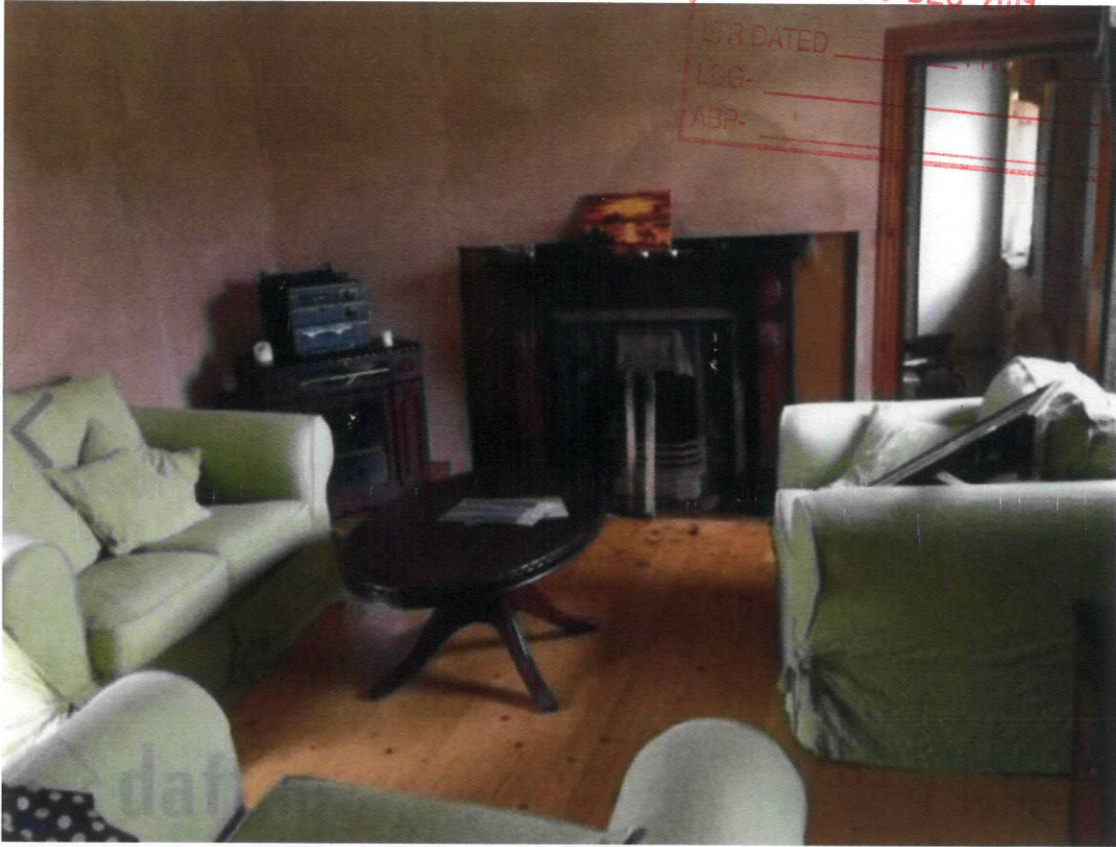
AN BORD PLEANÁLA

05 DEC 2019

STR DATED _____

LDG- _____

ABP- _____



Living Room



Bathroom



Bed room



Bed room

AN BORD PLEANÁLA

05 DEC 2019

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

