F7

COMHAIRLE CATHRACH & CONTAE Luimnigh Limerick CITY & COUNTY COUNCIL

LIMERICK CITY & COUNTY COUNCIL

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Gerry McColgan

Applicant's Address: _____

_____

_____

Telephone No. [redacted]

Name of Agent (if any): Michael O'Connor

Address: praxis architecture

64 O'Connell Street

Limerick

Telephone No. 353(0)61 314848 / 087 2672064

Address for Correspondence:

Michael O'Connor, praxis architecture

64 O'Connell St., Limerick. V94 886V

info@praxisarc.com

Location of Proposed development:

16 Hartstonge Street

Limerick

Description of Proposed development:

The insertion of metal stairs to provide access and escape from Lower Gropund Floor Level.

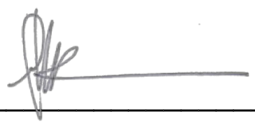
Is this a Protected Structure or within the curtilage of a Protected Structure. YES/NO

Applicant's interest in site: Owner

List of plans, drawings, etc. submitted with this application:

Have any previous extensions/structures been erected at this location YES/NO

If Yes please provide floor areas of all existing structures:

Signature of Applicant (or Agent) 

Michael O'Connor, praxis architecture

NOTES: Application must be accompanied by:

(a) Fee of €80
(b) Site location map
(c) Site layout plan
(d) Dimensioned plans and elevations of the structure and any existing structures.
(e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

****

Application to be forwarded to:

Limerick City & County Council,
Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road,
Limerick.

****

OFFICE USE ONLY

Ref. No. _____ Date Received _____

Fee Received _____ Date Due _____

****



CONSERVATION STATEMENT

ON

THE PROTECTED STRUCTURE

AT

16 LOWER HARTSTONGE ST., LIMERICK

FOR

GERRY MCCOLGAN

p r a x i s a r c h i t e c t u r e

64 O'Connell St., Limerick • V94 886V • Tel: 061- 314848 .• E-Mail: info@praxisarc.com

Report on

16 LOWER HARTSTONGE STREET
LIMERICK

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1.00 Summary

16 Lower Hartstonge St., Limerick, is an early 19th century Georgian dwelling with impressive main and gable façades.

The interior of the structure is quite simple but due to extensive 20th century modifications, lost most or all of its period character.

The structure is included on the Record of Protected Structures and it forms part of the Limerick Conservation Area as defined in the Limerick City Development Plan. As per LIMERICK DEVELOPMENT PLAN 2022-2028 Volume 3A - Record of Protected Structures this structure is RPS No. 3129 (No. 16 Lower Hartstonge St.). It is described as 'Terraced two-bay four-storey over basement brick townhouse, built c.1820'

The National Inventory of Architectural Heritage NIAH NO. is 21517092

Michael O'Connor as an RIBA Conservation Architect (CA) on the RIBA Conservation Register and as an RIAI Architect Accredited in Conservation at Grade III has been retained to prepare this report.

2.00 Background

A visit was made to the structure in the preparation of the Conservation Report in and April 2026 . The inspection of the premises was of a visual nature only in order to assess the current condition of the structure.

3.00 History

Background to the Development of Newtown Pery

Newtown Pery is built on the South Priors Lands outside the walls of Medieval Limerick. After the dissolution of the monasteries, these lands were awarded to Edward Sexton. Generations later, the Sextons were without a male heir. The daughter who inherited the lands married an English merchant called Pery from whom the Newtown ultimately gets its name.

For two hundred years neither the Sextons nor the Perys made any use of their holdings perhaps because the South Priors Lands, an area of marsh sweeping down to the River Shannon from the higher elevations, were prone to frequent flooding. However, after 1761 when the walls of the city were being removed and the economy of Limerick took a sudden turn for the better, pressure to expand made the development of the South Priors Lands viable.

The credit for the development of the Newtown lies with Edmond Sexton Pery. Born in 1719 and three times speaker of the Irish House of Parliament, Pery was one of the most significant figures in Irish politics during the 18th century. His concept for the Newtown can be traced to a map of 179 by local architect Christopher Colles (widely believed to have been working under the direction of Davis Ducart[1]). Colles' plan depicts a typical, straight grid iron which in some respects appears sketchy and unresolved.

In the years directly after the plan was published, very little development took place. However, the rate of building picked up in 1785, the year in which Sexton Pery retired from Dublin politics. Most of what was to become Newtown Pery was developed in the period between 1785 and 1815,

In the original Colles plan, there was no suggestion of a hierarchy of streets: all blocks are shown more of less square, all streets the same width. As development got underway, a certain hierarchy emerged with Georges Street (now O'Connell Street) eventually establishing itself as the main thoroughfare. However, there was very little variation in the type or quality of open urban space. The main exception was Pery Square which was intended to follow the mould of the popular Georgian squares of London and Dublin (this project was never completed). Apart from Pery Square, the only other urban space of real significance created in the Newtown was The Crescent. Hartstonge St. would have been one of the subsidiary streets to the main street within the plan and this is reflected in the smaller plan type used in this area and thus the smaller facades.

Development at this section of Hartstonge Street would have been completed by the mid 1830's by which time most of the development of Newtown Pery would have been finalised.

4.00 Description of the Protected Structure and the Context of the proposed site.

No. 16 Lower Hartstonge St. is an early Georgian townhouse. It is a two bay four storey over basement end of terrace house circa 1830. The plan of the house is typical of Newtown Pery. The windows are placed directly over one another throughout all floors of the buildings bar the Ground Floor. The largest windows are on the First Floor, the *piano nobile.* There are no string courses and the entire façade is Flemish bond brick. The external walls are solid 'roman' walls with Flemish bond red stock brick external leaf with limestone inner leaf and rubble mortar hearting. The basement wall is cut limestone blocks.

5.00 Evaluation

16 Lower Hartstonge St. is an elegant early 19th century Georgian style structure. Despite an extensive amount of 20th century development, it continues to retain some 'period' character. Its most important architectural characteristics are its:

- Location on Lower Hartstonge St. and the contribution it makes to the overall streetscape.
- Main elevation which has some very fine elements, including entrance portal and fanlight and limestone platform at entrance
- Overall plan form, including location of stairs and general arrangement of main rooms.
- Key structural elements: masonry bearing walls.

NIAH Summary

Description

Terraced two-bay four-storey over basement brick townhouse, built c. 1820, with a front railed basement area and a single bay four-storey lean-to return. Cement rendered rear and brick return. Pitched artificial slate roof with a brick chimneystack to either end. Red brick walls laid in Flemish bond with limestone coping to parapet wall and rendered basement wall. Gauged brick flat-arched window openings with patent reveals, painted stone sills and uPVC windows. Camber- and flat-arched openings to rear with rough-hewn limestone sills and early multiple-paned timber sash windows. Gauged brick round-arched door opening with patent reveals.

Replacement timber door flanked by slender painted timber pilasters and scrolled console brackets, with cornice and spoked fanlight over, opening onto limestone stepped threshold and concrete tiled platform flanked by original spear-headed wrought-iron railings and cast-iron urn-top corner rail posts on painted limestone plinth, with cement repairs, returning to enclose the basement area.

Appraisal

A modest former Georgian townhouse forming part of an intact terrace of thirteen houses and former houses. Despite having lost its original windows and door, it retains its doorcase, railing and original aspect. This particular house is the only one to retain its rear elevation, which contains early timber sash windows.

6.00 Description of the Proposed Development

The proposed development is for the alterations to the existing building including the provision of a metal stairs to provide access and escape from the Lower Ground Floor level of the property and timber cladding to the rear of the property in line with that installed to the adjoining property.

7.00 Development Impact Assessment

The proposed development will have little impact on the existing structure. The metal stair is stand alone and can be removed at a later date if necessary. It replaces a poor quality lean to structure that covered the front lightwell to the property previously. If anything the metal stairs improves the property by opening up the lightwell. The timber cladding to the rear echoes the cladding to the rear of 17 Lower Hartstonge Street. This installation is reversible in the future.

8.00 General Method Statement

The following general approach should be adopted to works to the protected structure to ensure that the character of these elements is not adversely affected during the course of the works ;

- In addition to the project architect, works should be regularly monitored by a qualified conservation architect. Wherever site conditions or other unforeseen works might have implications for historically sensitive material, the building contractor will alert the conservation architect who will make a determination, if necessary, in consultation with the Planning Authority's Conservation Officer.

- All works should be carried out by a contractor with proven experience on historically or architecturally sensitive structures. The contractor should be fully aware of the 'heritage' sections of the Local Authority (Planning and Development) Act, 2000, as well as all planning conditions relating to the conservation of elements of the Protected Structure.

- While conservation works or other interventions are proposed to architecturally sensitive materials, such works should be carried out by specialist sub contractors with recognised competence, experience and expertise in the relevant area.

- A structural engineer with experience in working on historic / older structures should advise on works potentially affecting the structural integrity of the building.

End of report

_____

Michael O'Connor
B Arch FRIAI RIBA CA

p r a x i s architecture

BIBLIOGRAPHY

Anon. 2004 *Architectural Heritage Protection: Guidelines for planning authorities*, Department of the Environment, Heritage and Local Government, The Stationary Office, Dublin.

Keohane, F. (ed.) 2001 *Period Houses, a Conservation Guidance Manual*, Dubin Civic Trust, Dublin.

Lewis, S. 1837, *A Topographical Dictionary of Ireland*, Lewis and Co., London.

Hill, Judith *The Building of Limerick,* Mercier Press

Spellissy, Sean *The History of Limerick City,* Celtic Bookshop

SOURCES

Limerick City Library

Irish Architectural Archive

Irish National Library and Photographic Archive

National Archive (Ireland) – Census Information

OSI Historic Maps

Ordnance Survey Ireland

PHOTOGRAPHS



Lr. Hartstonge St. Elevation View



Lr. Hartstonge St. Context Elevation View



View 1 of metal stairs



View 2 of metal stairs

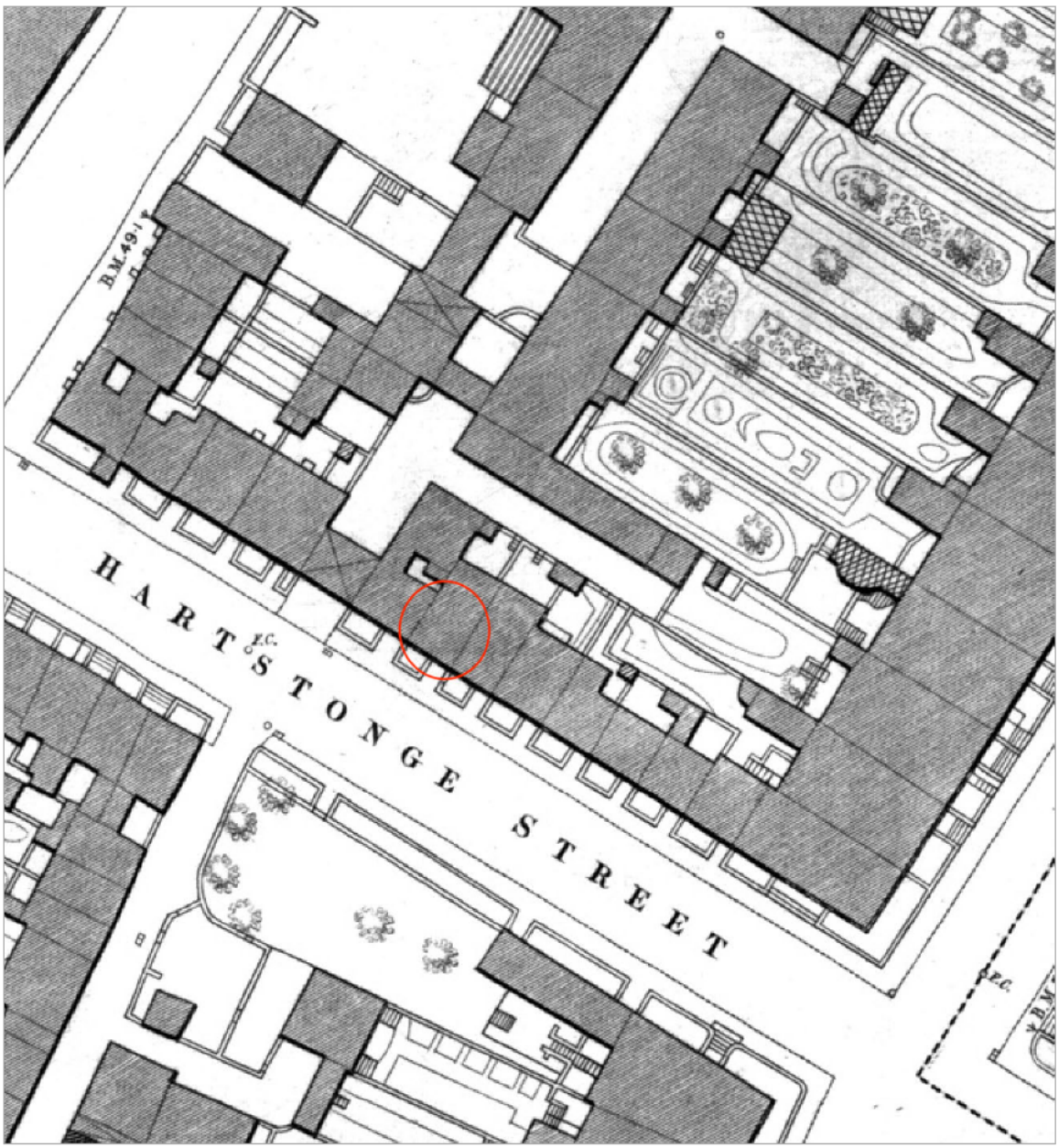


View of timber cladding

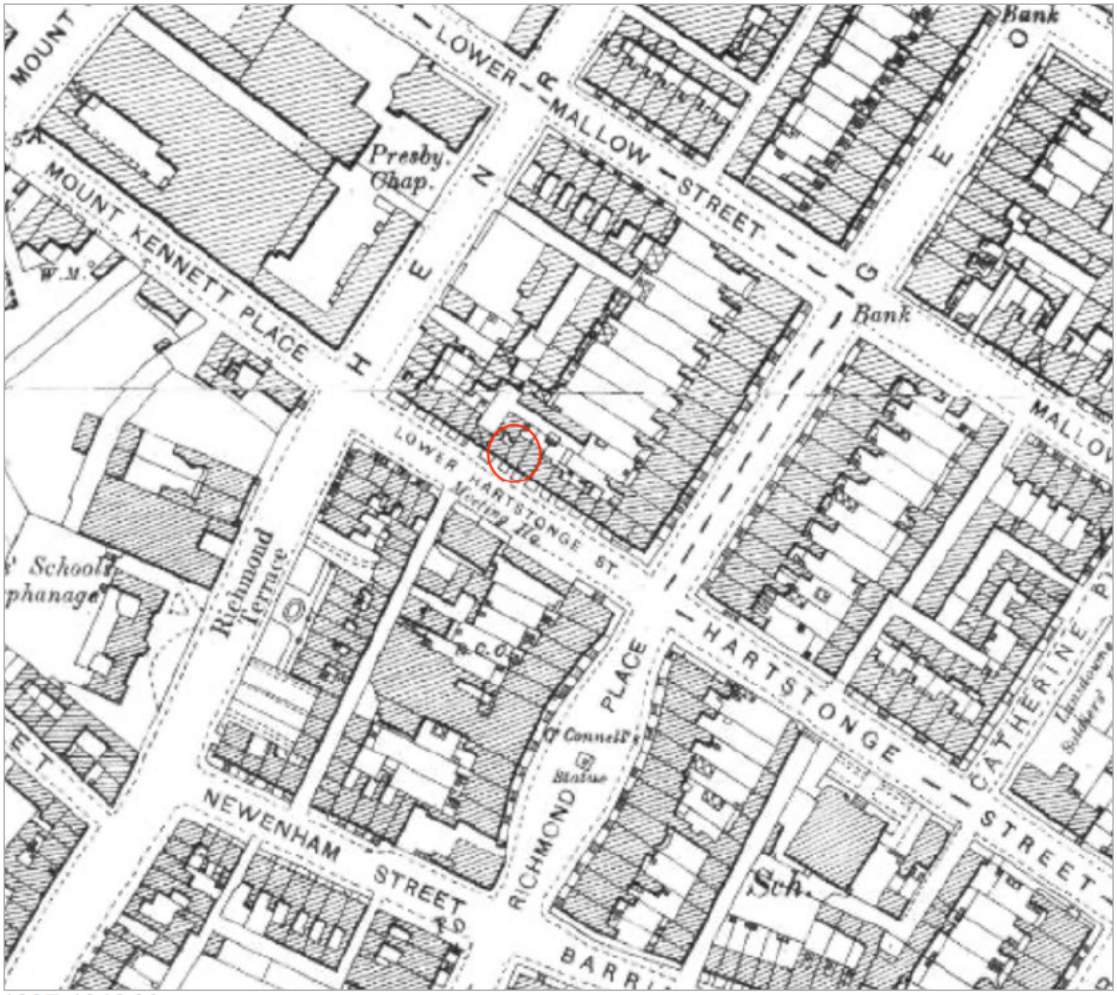
HISTORIC MAPS



1829-1841



1870



1897-1913 Map

Land Registry Compliant Map

26.15-400P - SITE LOCATION MAP



0 10 20 30 40 Metres

0 20 40 60 80 100 Feet

OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

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CENTRE COORDINATES:
ITM 557238,656695

PUBLISHED: 23/09/2024

ORDER NO.: 50424083_1

MAP SERIES: 1:1,000

MAP SHEETS: 4743-02

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
Ireland.
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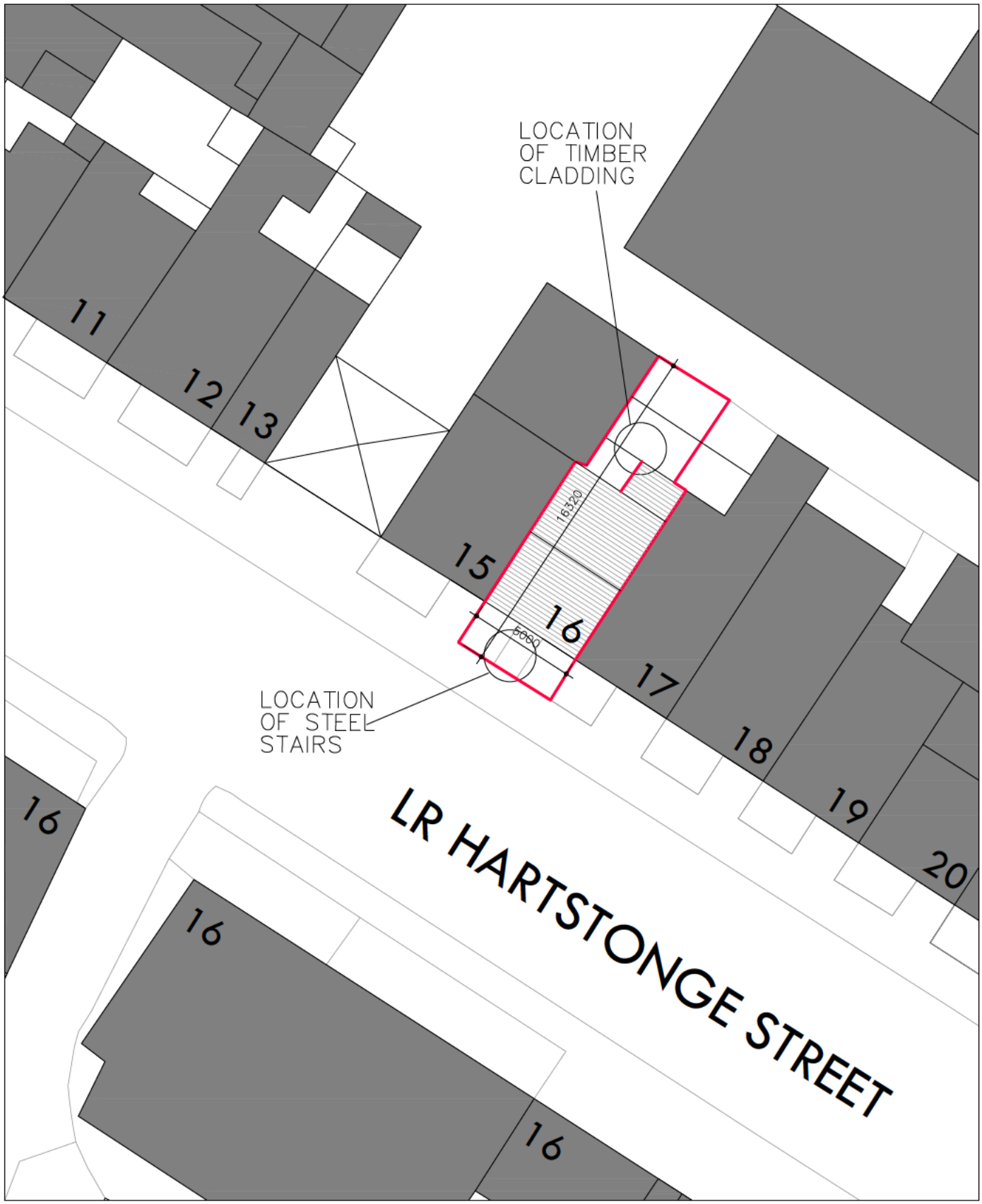
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REF	REVISIONS	DATE

TITLE: ALTERATIONS AT 16 LR HARTSTONGE ST., LIMERICK

CLIENT: GERRY MCCOLGAN

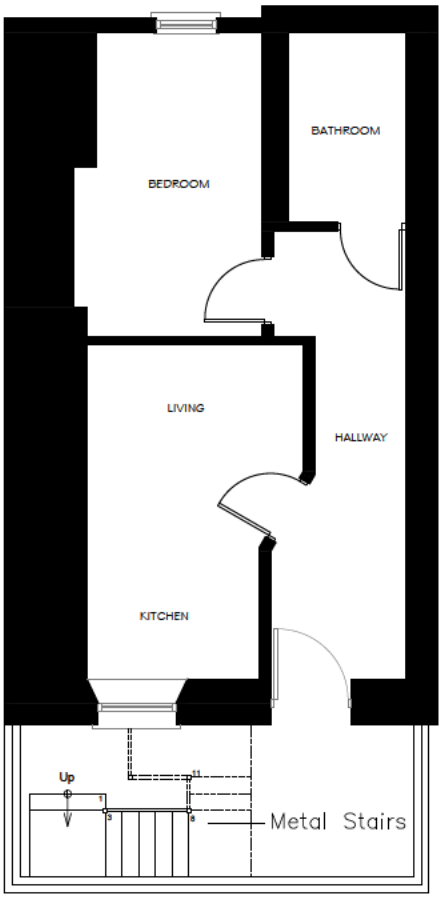
DRAWING TITLE: SITE LAYOUT PLAN

DRAWN	CHECKED	SCALE	DATE	STATUS	DRAWING NO.
MOC	MOC	1:250	APRIL '26	DECLARATION	26.15 - 401P

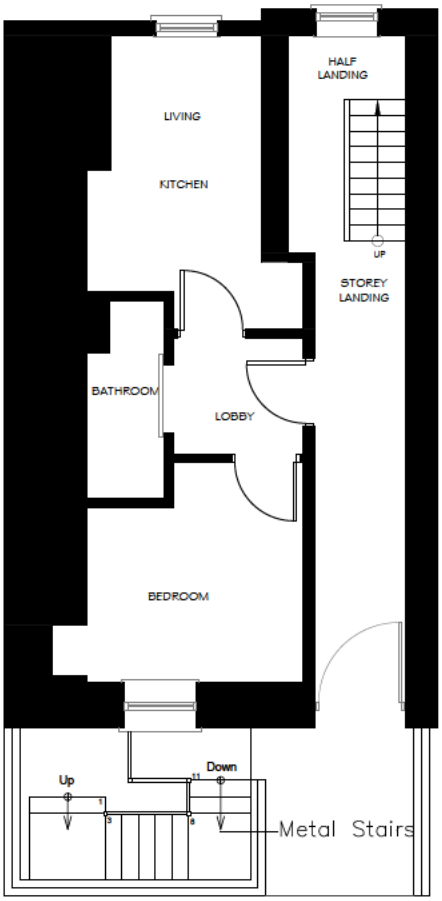
praxis architecture

Tel:061.314848 Email: info@praxisarc.com

64 O'CONNELL STREET, LIMERICK



BASEMENT FLOOR PLAN

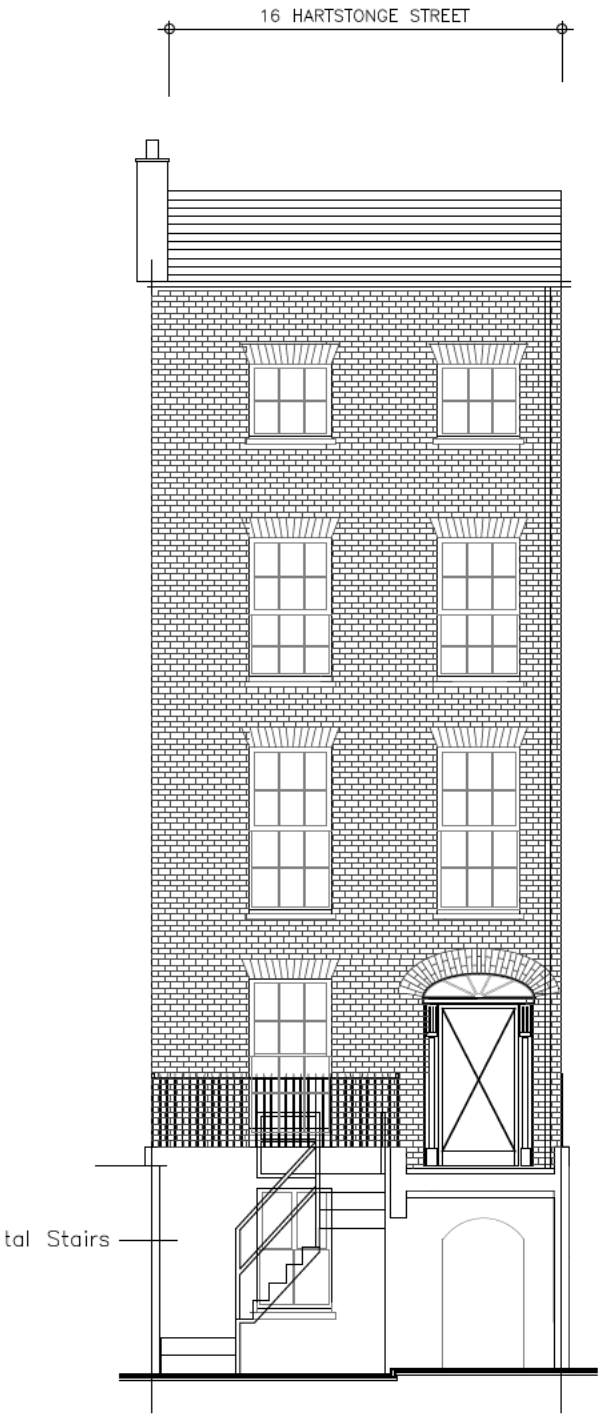


GROUND FLOOR UNIT

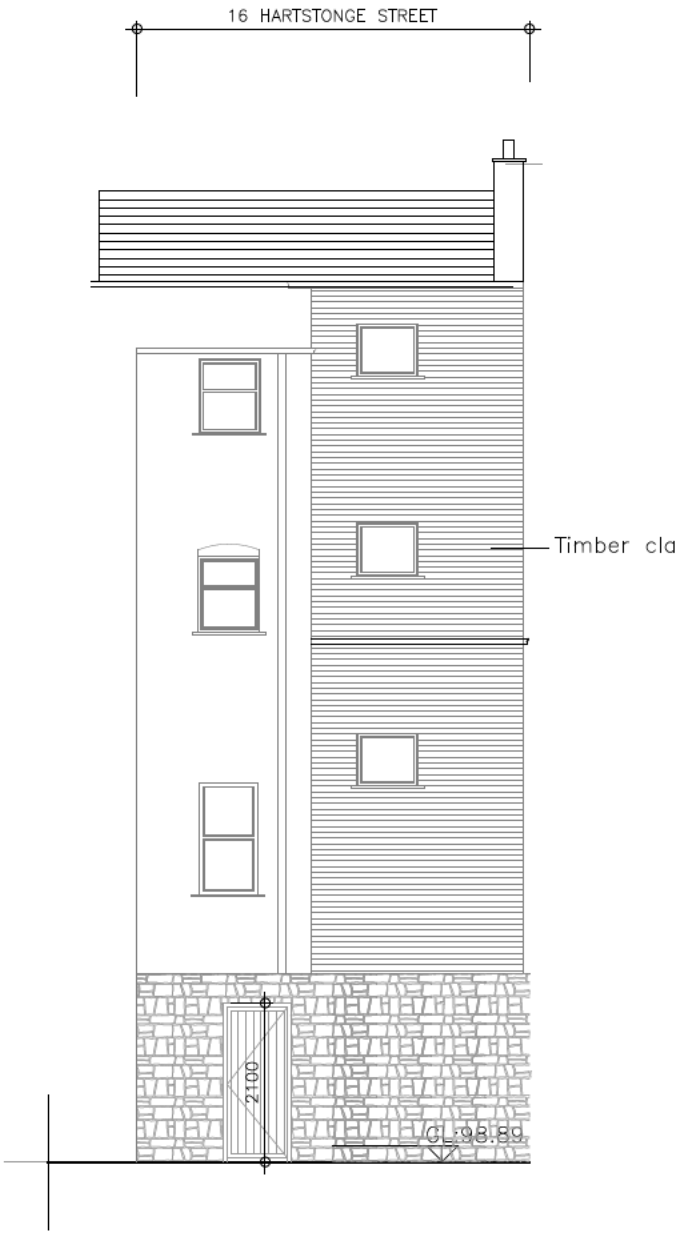
REF	REVISIONS	DATE

TITLE:	16 LOWER HARTSTONGE STREET					
CLIENT:	MR GERRY MCCOLGAN					
DRAWING TITLE:	ELEVATIONS					
DRAWN	CHECKED	SCALE	DATE	STATUS	DRAWING NO.	
FC	FC	1:100@A4	MAY. '26	DECLARATION	26.15-402D	

DRAWN BY FERGAL CUSACK & ASSOCIATES



REAR ELEVATION
SCALE: 1:100



REAR ELEVATION
SCALE: 1:100

REF	REVISIONS	DATE

TITLE:	16 LOWER HARTSTONGE STREET				
CLIENT:	MR GERRY MCCOLGAN				
DRAWING TITLE:	ELEVATIONS				
DRAWN	CHECKED	SCALE	DATE	STATUS	DRAWING NO.
FC	FC	1:100@A4	MAY. '26	DECLARATION	26.15-403D

DRAWN BY FERGAL CUSACK & ASSOCIATES

Report on application under Section 5 of the Planning and Development Act 2000 (as amended)

Reference no.	EC-096-26
Name and Address of Applicant:	Gerry McColgan La Verna, Tulla Road, Ennis, Co. Clare
Agent:	Michael O'Connor Praxis Architecture 64 O'Connell Street Limerick
Location:	16 Hartstonge Street Limerick

Description of Site and Surroundings:
The site is an existing four storey over basement terraced building within Limerick City Centre. The building is a protected structure, RPS no. 3129. NIAH number 21517092

Zoning:
City Centre

Proposal:
This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or not exempted development:

- Installation of metal stairs to provide access and escape from Lower Ground Floor
- Timber cladding to the rear of the property in line with that installed to the adjoining property

This Section 5 declaration includes the following:

- Application Form
- Site Location Map
- Proposed Layout
- Elevations
- Floor plans
- Conservation Statement

Planning History:
None

Enforcement History
DC-142-25: warning letter issued regarding unauthorised works namely the replacement of windows and installation of timber cladding on the rear of the property. On date of inspection it was also noted that the steps to the front of the property were also unauthorised. Inspectors report notes that the previous owner submitted a window detail for the agreement of the Conservation Officer which was agreed via email on the 9th June 2025. The applicant was advised via email in October 2025 that a Section 5 declaration should be sought for the cladding and metal stairs. On the 20th May Enforcement officer recommended an enforcement notice be issued requesting that the applicant submits a

methodology statement for the written agreement of the Planning Authority and Conservation Officer for the reinstatement of the building.

Assessment
Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

'structure' as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

(a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines '**development**' as 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'.

The proposed development on site, comprising the construction of a metal stairs and timber cladding constitutes works and development.

Is the proposal exempted development?
From the drawings submitted the proposal to clad the external rear wall with timber and the metal stairs at front will be assessed under 4(1)(h) of the Planning and Development Act 2000 (as amended)

Section 4(1)(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 timber cladding is to the rear and therefore it is considered that it would not 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 metal stairs to the front from ground to basement level is similar to stairways on properties along Hartstonge street and therefore acceptable. However, it is noted that the building is a protected structure and within an ACA therefore Article 9 Restrictions apply.

Article 9 Restrictions
The proposed development is restricted by Article 9(xii) of the Planning and Development Regulations 2001 (as amended)' which states:

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

The property is a protected structure and also located with an Architectural Conservation Area. As such the proposal has been reviewed by the Conservation Officer who is requesting the applicant submit photographs of the site prior to the works being carried out with an emphasis on the condition of the rear of the property.

Appropriate Assessment
An AA Screening examination was carried out by Limerick City & County Council (see appendix 1). Overall it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA as there are no source-pathway-receptors and the site does not directly encroach on any Natura 2000 European Sites. Therefore, an Appropriate Assessment is not necessary (See appendix 1 for AA Screening Form).

Environmental Impact Assessment
Based on a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

Conclusion/Recommendation
Having regard to the location of the subject property within an Architectural Conservation Area and its status as a protected structure, it is considered that insufficient information has been submitted to enable the Planning Authority to determine whether the works, , would materially affect the character of the protected structure or the character of the Architectural Conservation Area.

The applicant is therefore requested to submit photographs of the subject property prior to the carrying out of the works, with particular emphasis on the rear elevation and the condition/appearance of the rear of the property prior to the installation of the timber cladding. The photographs shall be sufficient to allow the Planning Authority and Conservation Officer to assess the nature and extent of the works undertaken and to determine whether the works would materially affect the character of the protected structure and/or the Architectural Conservation Area.





_____
Áine Leland
Executive Planner
Date 26/06/2026

Agreed _____
Gráinne O'Keeffe, S.E.P

Date: 03/07/2026

Appendix 1- AA Screening examination
AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
a. File Reference No:	EC/096-26
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether the installation of metal stairs to provide access and escape from Lower Ground Floor and timber cladding to the rear of the property or is not exempted development.
c. Brief description of site characteristics:	The site is located within Limerick City Centre
d. Relevant prescribed bodies consulted: **e.g. DHLGH (NPWS), EPA, OPW**	N/A
e. Response to consultation:	N/A

STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	**List of Qualifying Interest/Special Conservation Interest [1]**	**Distance from proposed development [2] (km)**	**Connections (Source-Pathway-Receptors)**	**Considered further in screening Y/N**
002165	Lower River Shannon SAC | National Parks & Wildlife Service	230m	No	N
004077	River Shannon and River Fergus Estuaries SPA | National Parks & Wildlife Service	230m	No	N

STEP 3: Assessment of Likely Significant Effects	
a. Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	**Possible Significance of Impacts: (duration/Magnitude etc)**
Construction phase e.g • **Vegetation clearance** • **Demolition** • **Surface water runoff from soil excavation/infill/landscaping (including borrow pits)** • **Dust, noise, vibration** • **Lighting disturbance** • **Impact on groundwater/dewatering** • **Storage of excavated/construction materials**	NA works already completed

• **Access to site** • **Pests**	
Operation phase e.g. • **Direct emission to air and water** • **Surface water runoff containing contaminant or sediment** • **Lighting disturbance** • **Noise/vibration** • **Changes to water/groundwater due to drainage or abstraction** • **Presence of people, vehicles and activities** • **Physical presence of structures (e.g collision risk)** • **Potential for accidents or incidents**	None works are minimal no likely significant impact on the conservation objectives of the above named site.
In-combination/Other	N/A given the level of development

b. Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: • **Reduction or fragmentation of habitat area** • **Disturbance to QI species** • **Habitat or species fragmentation** • **Reduction or fragmentation in species density** • **Changes in key indicators of conservation status value (water or air quality etc)** • **Changes to areas of sensitivity or threats to QI** • **Interference with the key relationships that define the structure or ecological function of the site**	None. Works are minimal and to the external fabric of the building only therefore no likely significant impact on the conservation objectives of the above named site.

c. (Are '*mitigation'* measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?
☐ **Yes** ☒ **No**

STEP 4: Screening Determination Statement
The assessment of significance of effects: **Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives**
On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: • **the nature and scale of the proposed development on fully serviced lands,** • **the intervening land uses and distance from European sites,** • **the lack of direct connections with regard to the Source-Pathway-Receptor model,** **it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites**

or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.		
Conclusion: AA Screening is not required.		
	Tick as appropriate:	**Recommendation:**
i. It is clear that there is no likelihood of significant effects on a European Site	**☒**	**The proposal can be screened out: Appropriate Assessment not required.**
ii. It is uncertain whether the proposal will have a significant effect on a European Site	**☐**	**☐ Request further information to complete screening** **☐ Request NIS** **☐ Refuse planning permission**
iii. Significant effects are likely	**☐**	**☐ Request NIS** **☐ Refuse planning permission**
Signature and Date of Recommending Officer:	 **Áine Leland** **Executive Planner** **26/06/2026**	
Signature and Date of the Decision Maker:	**Gráinne O'Keeffe, Senior Executive Planner** **26/06/2026**	

Appendix 2 – EIA Screening

Establishing if the proposal is a *'sub-threshold development'*:	
Planning Register Reference:	EC/096-26
Development Summary:	This is an application requesting a Section 5 Declaration on whether the installation of metal stairs to provide access and escape from Lower Ground Floor and timber cladding to the rear of the property or is not exempted development.
Was a Screening Determination carried out under Section 176A-C?	☐ Yes. no further action required ☒ No. Proceed to **Part A**

A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5. **Part 1.** of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
☐ Yes. specify class: [insert here]_____ _	**EIA is mandatory** No Screening required
☒ No	Proceed to **Part B**

B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, **Part 2**, of the Planning and Development Regulations 2001 (as amended) **and** does it meet/exceed the thresholds? (Tick as appropriate)	
☒ No. the development is not a project listed in Schedule 5, Part 2	**No Screening required**
☐ Yes the project is listed in Schedule 5. Part 2 **and** meets/exceeds the threshold, specify class (including threshold): _[specify class & threshold here]_	EIA is mandatory No Screening required
☐ Yes the project is of a type listed **but** is *sub-threshold:* [insert here]___ _	Proceed to Part C

C. If Yes, has Schedule 7A information/screening report been submitted?	
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant ☐ No, Schedule 7A information/screening report has not been submitted by the applicant	**Screening Determination required** **Preliminary Examination required**

Signature and Date of Recommending Officer:	Áine Leland, Executive Planner 26/06/2026

Signature and Date of the Decision Maker:	_____ Gráinne O'Keeffe, SEP 26/06/2026

Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuar an Daill
Luimneach
V94 WV78

Planning Department
Limerick City & County Council
Dooradoyle Road
Dooradoyle
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V94 WV78

t: 061 556 000

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

EC/096/26 **06 July 2026**

Gerry McColgan,
c/o Michael O'Connor,
Praxis Architecture,
64 O'Connell Street,
Limerick.

RE: Declaration under Section 5

Dear Sir/Madam,

I refer to the above Section 5 Application. Having regard to the location of the subject property within an Architectural Conservation Area and its status as a protected structure, it is considered that insufficient information has been submitted to enable the Planning Authority to determine whether the works, would materially affect the character of the protected structure or the character of the Architectural Conservation Area.

You are hereby requested to submit the following further information:

1. Submit photographs of the subject property prior to the carrying out of the works, with particular emphasis on the rear elevation and the condition/appearance of the rear of the property prior to the installation of the timber cladding. The photographs shall be sufficient to allow the Planning Authority and Conservation Officer to assess the nature and extent of the works undertaken and to determine whether the

works would materially affect the character of the protected structure and/or the Architectural Conservation Area.

Your application will not be further processed until confirmation of the above is received. A complete response should be submitted.

I hereby give you notice that the statutory period of three weeks during which the Planning Authority is required to give a decision will date from the receipt of a satisfactory response to the notice seeking further information.

Please quote your planning reference number on all correspondence EC/096/26.

Yours sincerely,

(for) Senior Planner,
Development Management

Tuar an Daill, Luimneach
Dooradoyle, Limerick

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061 - 556 000

Report on application under Section 5 of the Planning and Development Act 2000 (as amended) following further information:

File Reference number	**EC - 096 - 26**
Applicant(s)	**Garry McColgan**
Location	**16 Hartstronge Street Limerick**

Previous Assessment:

The initial application relates to the installation of metal stairs to provide access and escape from the lower ground floor of the building and installation of timber cladding to the rear of the property in line with that installed to the adjoining property. The building is a Protected Structure (RPS No. 3129; NIAH Ref No. 21517092). The dwelling is situated in the South City Centre and Newtown Perry Architectural Conservation Area (ACA 1A) as identified within the Limerick Development Plan 2022-2028.

A warning letter was issued regarding unauthorised works, namely the replacement of windows and installation of timber cladding on the rear of the building. (DC-142-25).

It was further noted that steps located to the front of the property were also unauthorised. Enforcement Inspectors report notes that the previous owner submitted a window detail for the agreement of the Conservation Officer which was agreed via email on the 9th June 2025. The applicant was advised via email in October 2025 that a Section 5 declaration should be sought for the cladding and metal stairs. On the 20th May 2025 Enforcement officer recommended an enforcement notice be issued requesting that the applicant submits a methodology statement for the written agreement of the Planning Authority and Conservation Officer for the reinstatement of the building.

In order to determine whether the proposed installation of a metal stair and timber cladding to the rear of the property, and all associated works, constitute exempted development, the proposal has been assessed under Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and Article 9(1)(a)(xii) of the Planning and Development Regulations 2001 (as amended). The proposal was also assessed having regard to Article 9 (xii) of the Planning and Development Regulations (as amended) which states.

Accordingly, the applicant was requested to provide the following further information on the 25th of July:

1. To submit photographs of the subject property prior to the carrying out of the works, with particular emphasis on the rear elevation and the condition/appearance of the rear of the property prior to the installation of the timber cladding. The photographs shall be sufficient to allow the Planning Authority and Conservation Officer to assess the nature and extent of the works undertaken and to determine whether the works would materially affect the character of the protected structure and/or the Architectural Conservation Area.

2. **Submitted Documents:**

1. The applicant was unable to provide photographs of the subject property prior to the carrying out of the works to demonstrate the condition and appearance of rear of the property prior to the installation of the timber cladding. It is therefore not possible to assess the nature and extent of the works undertaken and to determine whether the works had materially affected the character of Protected Structure and the Architectural Conservation area.
2. The current proposal, the installation of a metal stairs top provide access and escape from the lower ground floor and timber cladding to the rear of the property should be assessed in a standalone capacity under 4(1)(h) of the Planning and Development Act 2000 (as amended) and against the restrictions set out within Article 9 (xii) of the Planning and Development Regulations 2001 (as amended).

Assessment:

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

As previously assessed, it is determined that the proposal, the installation of metal stairs to provide access and escape from the lower ground floor and the installation of timber cladding to the rear of the property, constitutes 'works' and 'development' within the meaning under Section 2 (1) and Section 3 (1) of the Planning and Development Act (as amended)

Is the proposal exempted development?

The proposed development comprises the installation of metal stairs to provide access and escape from the lower ground floor level and the installation of timber cladding to the rear of the property. The proposal falls to be considered under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

The applicant was unable to provide photographs of the subject property prior to the carrying out of the works. As such, it is not possible to fully ascertain the condition of the property prior to the installation of the timber cladding or to determine the precise extent of previous works undertaken.

Notwithstanding the above, the current proposal has been assessed on the basis of the submitted drawings, photographs and Conservation Statement. The submitted Conservation Statement notes that the timber cladding reflects a similar treatment on the adjoining property at No. 17 Lower Hartstonge Street and that the metal stairs comprise a standalone structure located within the front lightwell.

While it is noted that the property has a history of unauthorised works, the assessment of this declaration relates solely to the works which are the subject of the current application. Regard has been had to the location, scale and appearance of the works, their limited visual impact,

and the presence of similar cladding treatment on the adjoining property. The Conservation Officer has advised that the works are acceptable in principle, provided that the method statement set out in the submitted Conservation Statement is adhered to. The Conservation Statement provides that works should be monitored by a suitably qualified conservation architect and undertaken by contractors experienced in working with historic structures.

Having regard to the submitted information and Conservation Officer's assessment, it is considered that the proposed development would not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or neighbouring structures and would not materially affect the character of the Protected Structure. Accordingly, the proposal is considered to fall within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Article 9 Restrictions

The proposed development comprises works to the exterior of a structure located within an Architectural Conservation Area and is therefore subject to consideration under Article 9(1)(xii) of the Planning and Development Regulations 2001 (as amended). The property is also a Protected Structure.

During the assessment of the application, the Conservation Officer requested photographs showing the property prior to the carrying out of the works in order to assist in assessing the extent of the alterations undertaken. The applicant confirmed that neither the current nor previous owner was in possession of photographs showing the property prior to the works being undertaken and therefore no such photographs were submitted.

Notwithstanding the absence of pre-works photographs, the Planning Authority has assessed the proposal on the basis of the drawings, photographs and Conservation Statement submitted. The timber cladding is confined to the rear elevation and reflects a similar treatment on the adjoining property, while the metal stairs comprise a lightweight structure located within the front lightwell. It is noted the Conservation Officer has advised that the works are acceptable in principle, provided that the method statement set out in the submitted Conservation Statement is adhered to. Having regard to the nature, scale and location of the works, it is considered that the development would not materially affect the character of the Protected Structure or the character of the Architectural Conservation Area. Accordingly, the restrictions set out under Article 9(1)(xii) are not considered to apply in this instance.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a Natura 2000 European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations it has been concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

Conclusion/Recommendation

The proposed installation of metal stairs to provide access and escape from the lower ground floor level and the installation of timber cladding to the rear of the property constitute "development" within the meaning of Sections 2 and 3 of the Planning and Development Act 2000 (as amended). Having regard to the submitted plans, particulars, photographs and Conservation Statement, it is considered that the works would not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure, neighbouring structures, the Protected Structure or the Architectural Conservation Area.

Regard has been had to –

(a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);

(b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended);

(c) The plans and particulars submitted with the application received on the 9th of June and the 25th of September 2026.

It is therefore considered that the said works constitute development under Section 2 and 3 of the Planning and Development Act 2000 (as amended) and exempted development under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended).

Planning Intern	Úna Walsh	**Date: 08/10/2026**
Signature:		
Executive Planner	Áine Leland	**Date: 13/10/2026**
Signature		
Senior Executive Planner	**Gráinne O'Keeffe**	**Date: 13/10/2026**
		

Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
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Planning Department
Limerick City & County Council
Dooradoyle Road
Dooradoyle
Limerick
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DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

Gerry McColgan,
c/o Michael O'Connor,
Praxis Architecture,
64 O'Connell Street,
Limerick.

EC/096/26 15 October 2026

Re: Declaration under Section 5

Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,

(for) Senior Planner,
Development Management

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2026/1272

File Ref No. EC/096/26

SUBJECT: Declaration under Section 5.
Planning and Development Act 2000 as amended
Planning and Development Regulations 2001 as amended

RE: **The installation of metal stairs to provide access and escape from the lower ground floor of the building and installation of timber cladding to the rear of the property at 16 Hartstonge Street, Limerick**

ORDER: Whereas by Director General's Order No. DG/2026/058 dated 25th May 2026, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Grainne O'Keeffe, Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Grainne O'Keeffe, Senior Executive Planner, having considered the report and recommendation of Una Walsh, Student Planner dated 08/10/2026 and Áine Leland, Executive Planner dated 13/10/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Gerry McColgan, c/o Michael O'Connor, Praxis Architecture, 64 O'Connell Street, Limerick to state that the works as described above is

Development and is Exempt Development.

Signed _____

SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT, PLANNING

Date 15/10/26

Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

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SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO. **EC/096/26**

Name and Address of Applicant: Gerry McColgan, La Verna, Tulla Road, Ennis, Co. Clare

Agent: Michael O'Connor, Praxis Architecture, 64 O'Connell Street, Limerick

Whether the installation of metal stairs to provide access and escape from the lower ground floor of the building and installation of timber cladding to the rear of the property at 16 Hartstonge Street, Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 09th day of June 2026 and further information received on the 25th of September 2026.

AND WHEREAS the Planning Authority has concluded that the installation of metal stairs to provide access and escape from the lower ground floor of the building and installation of timber cladding to the rear of the property at 16 Hartstonge Street, Limerick **DOES** come within the scope of exempted development under Section 2 and 3 of the Planning and Development Act 2000 (as amended) and exempted development under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended). See Report attached.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is Exempted Development.**

Signed on behalf of the said Council C. Lodge

Date: 15.10.2026

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Coimisiún Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.