



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Patrick Whelan
C/o Padraig Neylon
PND Building Consultancy Ltd
Kilrush House, Frances Street
Kilrush
Co. Clare

9th May 2024

Section 5 referral Reference R24-38 – Patrick Whelan

Is the proposed extension (shown edged/hatched in blue) to the rear of the existing dwelling house development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th April 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie

Applicant is advised that the subject referral only relates to the extension to the rear of the dwelling and associated site works. Alterations to the front window are not covered by this declaration and where any replacement windows are proposed applicant is advised that same should be of the same style and opening as the existing, having regard to the provisions of Section 4 (1) (h) of the Planning & Development Act.

Mise, le meas

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúirthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R24-38



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-38

Is the proposed extension (shown edged/hatched in blue) to the rear of the existing dwelling house development and if so, is it exempted development?

AND WHEREAS, Patrick Whelan has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –


- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The said works constitute “development” which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended,
- (b) The said construction of a single storey extension to the rear of the dwelling is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001.

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the addition of a single storey extension to the rear of the subject dwelling at Miltown Road, Doonbeg, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, reading "Anne O'Gorman", with a horizontal line underneath.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

9th May 2024

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 83539

Reference Number: R24-38

Date Referral Received: 12th April 2024

Name of Applicant: Patrick Whelan

Location of works in question: Miltown Road, Doonbeg, Co. Clare

Section 5 referral Reference R24-38 – Patrick Whelan

Is the proposed extension (shown edged/hatched in blue) to the rear of the existing dwelling house development and if so, is it exempted development?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended,
- (b) The said construction of a single storey extension to the rear of the dwelling is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the addition of a single storey extension to the rear of the

subject dwelling at the Miltown Road, Doonbeg, Co. Clare is considered development which is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER

Date:

9th May 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R24-38
APPLICANT(S):	Patrick Whelan
REFERENCE:	The construction of a single storey extension to the rear of the existing dwelling House (proposed extension of 39.21m2) along with all associated site works
LOCATION:	Miltown Road, Doonbeg County Clare.
DUE DATE:	12-05-24

Site Location

The subject site is located on the Miltown Road, Doonbeg and is accessed via the N67 National Road. There is an older style single storey dwelling on this site which has not been extended in the past. When the dwelling was inspected, it was found that the subject extension is being constructed at present.

The dwelling and its site are directly adjacent to but outside of the settlement boundary of Doonbeg. The lands directly adjacent to this site, to the west, are zoned for tourism uses.





Planning History

On Subject site/ property-None.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Mr Patrick Whelan . Mr Whelan states that he is the owner of the dwelling which is the subject of this referral.

The applicant is seeking a Section 5 Declaration as to whether

"The construction of a single storey extension to the rear of the existing dwelling House (proposed extension of 39.21m2) along with all associated site works"

Is or is not development and is or is not exempted development.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

S.3.(1)In this Act, "development" means, except where the context otherwise requires, **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.

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a)

Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

4. (a)

Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b)

Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c)

The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. *The construction or erection of any such extension to the rear of the house shall 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 25 square metres.*

6. (a)

Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

- (b)

Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

- (c)

Where the house is detached and the floor area of the extension aboveground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. *The roof of any extension shall not be used as a balcony or roof garden.*

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line 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,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vii) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed 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.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified 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,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(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.

Assessment

Basis of Referral

The applicants are seeking a Section 5 Declaration as to whether;

The construction of a single storey extension to the rear of the existing dwelling house (proposed extension of 39.21m²) along with all associated site works is or is not development and is or is not exempted development.

Particulars of the Development

- Floor area of existing single storey house: 110.04m²
- Proposed ground floor extension: 39.21m²

Assessment of the following elements of the works:

- The addition of a single storey extension to the rear of the dwelling.

The applicants have submitted both proposed floor plans and elevation drawings for the proposed extension. This element of the development is considered in the context of Schedule 2, Part 1, Class1 of the Planning and Development Regulations.

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

The extension is located to the rear of the existing dwelling house.

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

The house has not been previously extended. The floor area of the proposed ground floor extension is 39.21m².

(b)

Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

The house is detached.

(c)

Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

The extension is located on the ground floor (the house is single storey).

2. (a)

Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

The floor area of the proposed extension is 39.21m².

(b)

Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

The house is detached.

(c)

Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

The proposed extension is located on the ground floor area only (the house is single storey)

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

Not applicable – extension is at ground floor level.

4. (a)

Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

This has been complied with as can be seen from the elevation drawings submitted with this Referral.

(b)

Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

This has been complied with as can be seen from the elevation drawings submitted with this Referral.

(c)

The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

This is complied with.

5. *The construction or erection of any such extension to the rear of the house shall 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 25 square metres.*

In excess of 25m² remains.

6. (a)

Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

This is complied with.

(b)

Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

Not applicable.

(c)

Where the house is detached and the floor area of the extension aboveground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

Not applicable.

7. *The roof of any extension shall not be used as a balcony or roof garden.*

Not applicable.

Having regard to the above I consider that the proposed extension is exempt under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

Article 9 of the Planning and Development Regulations 2001, as amended

Under Article 9 (1) of the same Regulations, *development to which Article 6 relates shall not be exempted development for the purposes of the Act:*

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

The proposal does not contravene a condition of any previous permission.

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

No access points onto the public road network are affected by the proposal.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

The proposal does not create a traffic hazard or obstruct road users in the area.

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

The proposal site is not located in a solar safeguard zone.

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line 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,

No applicable to the proposal

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies

Not applicable to this proposal

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed 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.

The proposed extension will not have a negative impact on the character or visual amenities of the area.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

Not applicable to this proposal

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

There are no known archaeological features in the vicinity of the proposal site.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site

The proposed development/ extension will not have a significant effect on European sites. A Screening for Appropriate Assessment and determination is attached to this report.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

No applicable in this instance

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized use,

Not applicable to this proposal

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified 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,

Not applicable in this instance

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

Not applicable in this instance

(xi) obstruct any public right of way,

Not applicable in this instance

(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 development site is not within an Architectural Conservation Area.

Conclusions

The following question has been referred to the Planning Authority:

Whether; The construction of a single storey extension to the rear of the existing dwelling house (proposed extension of 39.21m²) along with all associated site works is or is not development and is or is not exempted development.

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council (Planning Authority) has concluded:

- (a) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (b) The said construction of a single storey extension to the rear of the dwelling is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001, *as amended*.

Now therefore Clare County Council (Planning Authority), hereby decides that the addition of a single storey extension to the rear of the subject dwelling at the Miltown Road, Doonbeg County Clare, is development and is exempted development.

A McCarthy 08/05/24

Executive Planner

Date: 08/05/24

Senior Executive Planner

Date:

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	R24-38
(b) Brief description of the project or plan:	The construction of a single storey extension to the rear of the existing dwelling house (proposed extension of 39.21m ²) along with all associated site works
(c) Brief description of site characteristics:	There is an existing older single storey house on this site that is accessed via the N67 national Road and which is close to the national route.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

Natura 2000 Sites in Vicinity

Special Protection Areas: Mid-Clare Coast SPA 004182 4k from this site.

Special Area of Conservation: Carrowmore Dunes SAC 002250- .91k from this site.

Special Area of Conservation: Tullagher Lough and Bog SAC 002343 2.65k from this site.

Special Area of Conservation: Carrowmore Point to Spanish Point and Islands SAC 001021- 4.13k from this site

The proposal involves works to an existing dwelling

Having regard to the nature and scale of the proposed development, the likely zone of impact is no greater than 0.5km

There are no European sites within 0.5km of the proposed development site. There are no pathways between the development site and the European site

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.		
No likely direct or indirect effects due to the nature and scale of the proposed development and the characteristics of the proposal site.		
Conclusion:		
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Annemarie McCarthy, Executive Planner. 07-05-24 <i>A McCarthy</i> of-05-24	
Signature and Date of the Decision Maker:		

Google street view 2019



Inspection 08-05-24





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Patrick Whelan
C/o Padraig Neylon
PND Building Consultancy Ltd
Kilrush House, Frances Street
Kilrush
Co. Clare

15/04/2024

Section 5 referral Reference R24-38 – Patrick Whelan

Is the proposed extension (shown edged/hatched in blue) to the rear of the existing dwelling house development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th April 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Brian Fahy
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



AN CHLÁIR

Clare County Council
Aras Contae an Chláir
New Road
Ennis
Co Clare



12/04/2024 14:46:48

Receipt No. L1CASH/0/363005
***** REPRINT *****

PATRICK WHELAN
c/o Padraig Neylon, PND Building
Consultancy Ltd, Kilrush House,
Frances St, Kilrush, Co Clare
REF. R24-38

SECTION 5 REFERENCES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

AN CHLÁIR

Tendered :
CREDIT CARDS 80.00

Change : 0.00



Issued By : L1CASH - Colm Murphy
From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No.0033043E

P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R24-38

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.	
(a) Name and Address of person seeking the declaration	Patrick Whelan, Miltown Road, Doonbeg, Co. Clare.
Eircode	N/a
(b) Telephone No.:	
(c) Email Address:	N/a
(d) Agent's Name and address:	Note: All <u>Correspondence</u> to be sent to the below address - Padraig Neylon, PND Building Consultancy Limited, Kilrush House, Frances Street, Kilrush, Co. Clare.



2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
Note: only works listed and described under this section will be assessed.

Sample Question: *Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?*

Is the proposed extension (shown edged/hatched in blue) to the rear of the existing dwelling house an exempted development?

- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

The applicant wishes to construct a single storey extension to the rear of his existing dwelling house (proposed floor area 39.21 sq/m) along with all associated works.

- (c) List of plans, drawings etc. submitted with this request for a declaration:

(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

Drawings (1/100) – P/23/194/01, P/23/194/02 & P/23/194/SL
Site Location Map (1/1,000)

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Miltown Road, Doonbeg, Co. Clare.
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	The applicant is the owner.
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/a
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	No
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	N/a
(h) Date on which 'works' in question were completed/are likely to take place:	The works will take place pending the outcome of this application.

SIGNED: 
Agent on behalf of Patrick Whelan

DATE: 25 / 03 / 2024

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:			



REGISTERED BUILDING SURVEYORS
REGISTERED QUANTITY SURVEYORS
PLANNING CONSULTANTS
ARCHITECTURAL DESIGN

t: 087 – 976 5226

e: padraig@pndconsultancy.com

BUILDING CONSULTANCY

KILRUSH HOUSE, FRANCES ST, KILRUSH, CO. CLARE, IRELAND

PND Building Consultancy Ltd.,
Kilrush House,
Frances Street,
Kilrush,
Co. Clare.

March 2024

Planning Department,
Economic Development Directorate,
Clare County Council,
Áras Contae an Chláir,
New Road,
Ennis,
Co. Clare.

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND
EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000)**

A Chara,

Please find enclosed all relevant documentation for this application on behalf of
Patrick Whelan @ Miltown Road, Doonbeg, Co. Clare.

Mise le meas,

Pádraig Neylon
B. Sc. (Surveying) MCIOB
Registered Building Surveyor

Note:

All correspondence in relation to the above application to be sent to –
Patrick Whelan, C/o - PND Building Consultancy Ltd.
Kilrush House, Frances Street, Kilrush, Co. Clare. V15 CH68

Land Registry Compliant Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 497632,665682

PUBLISHED: 11/04/2024
ORDER NO.: 50393983_1

MAP SERIES: 1:2,500
MAP SHEETS: 4548-A

COMPILED AND PUBLISHED BY:
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A n D ú n B e a g
D o o n b e g

Site Location Map

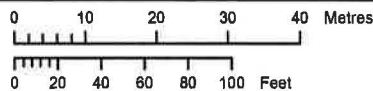
Showing Location of Site &
Site Boundaries Edged in Red

Prepared By: Pádraig Neylon
Qualification: B.Sc. (Surveying) MCIQB

For: Patrick Whelan
Address: Miltown Road, Doonbeg, Co. Clare.

Scale: 1 / 1,000
Digital Map: 4548-A

Site Edged in Red



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'

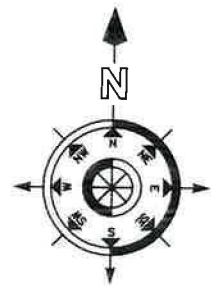
LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



Site Edged in Red

Existing Dwelling House
Existing F.F.L. = 100.000m

Proposed Extension to a Dwelling House
Hatched in Blue
Proposed F.F.L. = 100.000m



Site Layout Plan

36,718

13,107

6,627

14,357

Proposed Extension shown Edged in

Site Area = 0.236 ha
0.582 acres

From OS Digital Map
No.: 4548-A

(C) Copyright - Drawings for Discussion Purposes Only

Title - Proposed Site Layout Plan
Project - Proposed Declaration of Exempted Development

Client - Patrick Whelan
Address - Miltown Road, Doonbeg, Co. Clare.

Scale - 1:250
Size - A3

PND BUILDING CONSULTANCY LTD.
Registered Building Surveyors & Quantity Surveyors
Kilrush House, Frances Street, Kilrush, Co. Clare.
Tel: 087 976 5226
Email: padraig@pndconsultancy.com

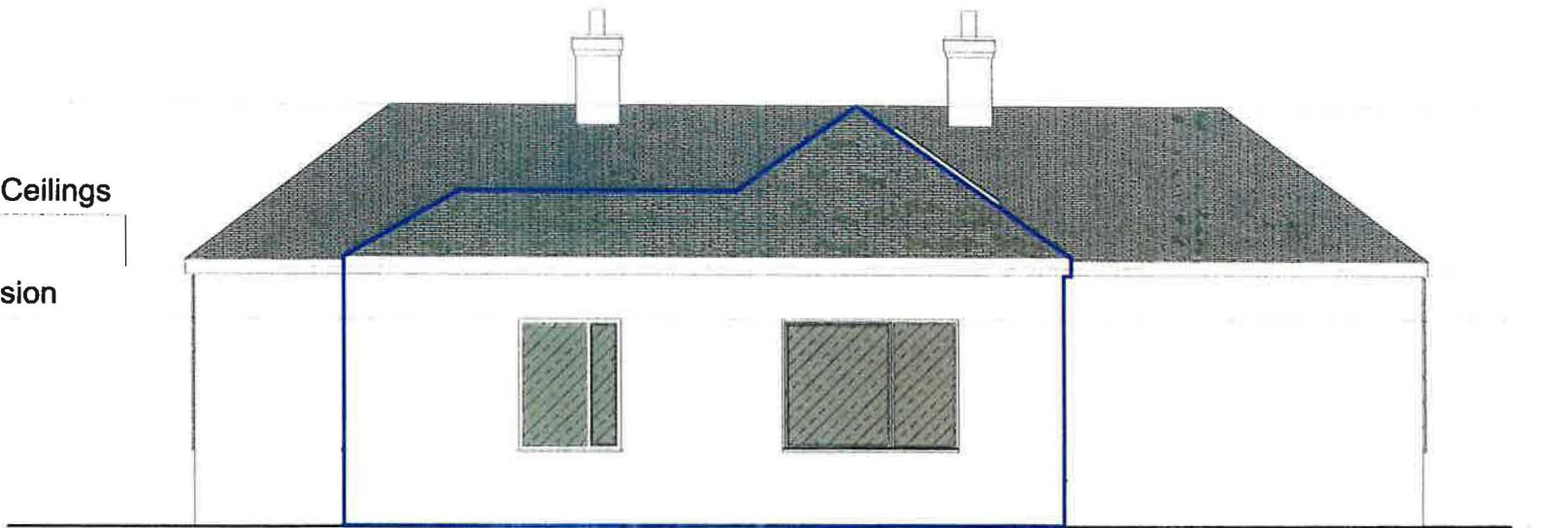
P/24/194/SL
ED-01 25.03.24

PND BUILDING CONSULTANCY LTD.

P N D

Proposed Extension shown Edged in

- Ridge 5707
- All Existing Ceilings 3500
- Lintel Extension 2800



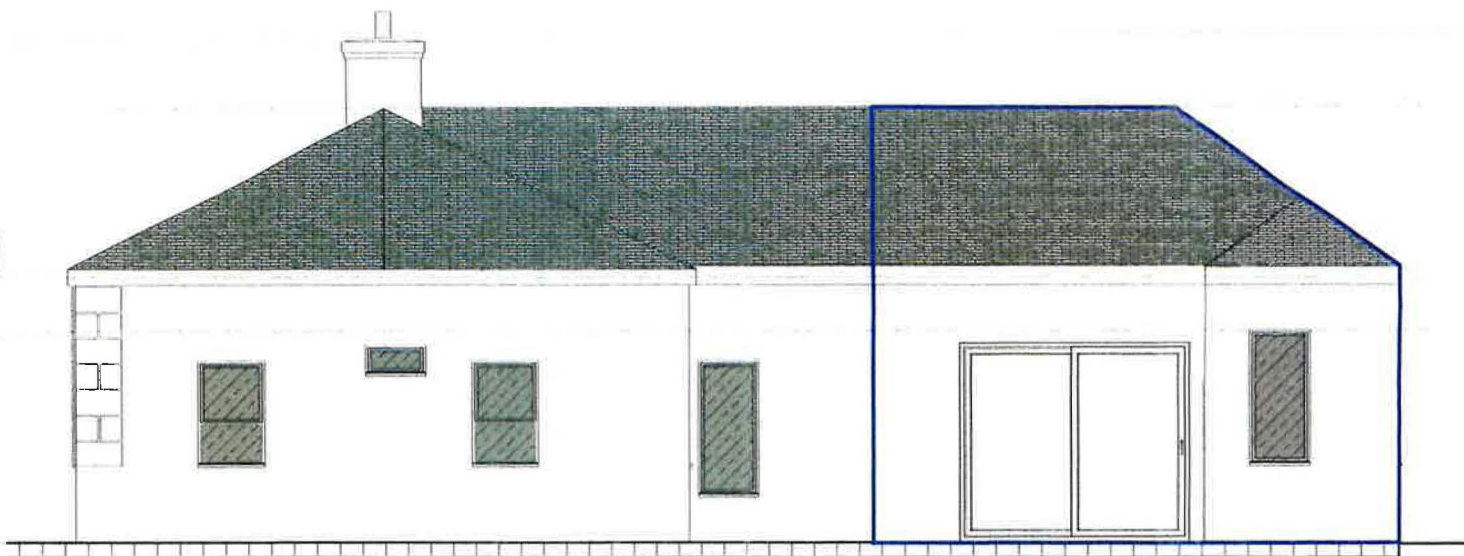
Proposed South Elevation

- Ridge 5707
- All Existing Ceilings 3500
- Lintel Extension 2800



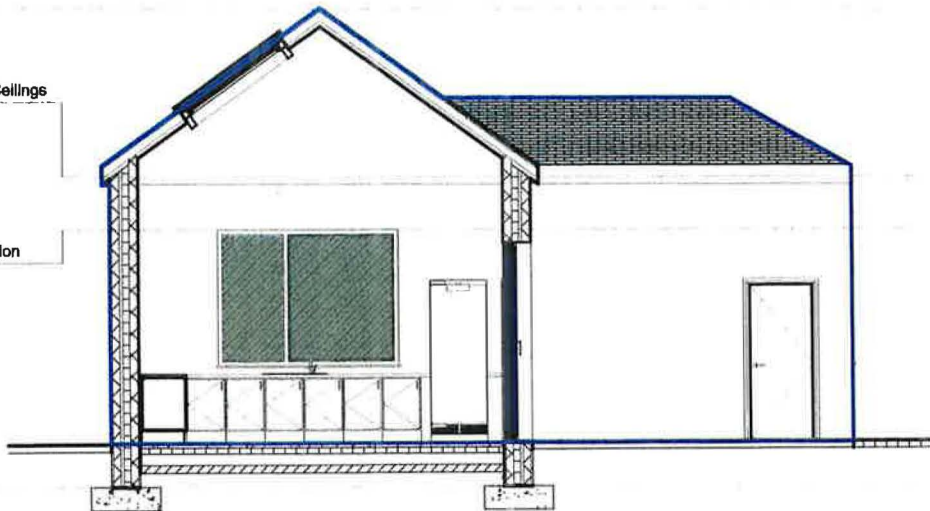
Proposed East Elevation

- Ridge 5707
- All Existing Ceilings 3500
- Lintel Extension 2800



Proposed West Elevation

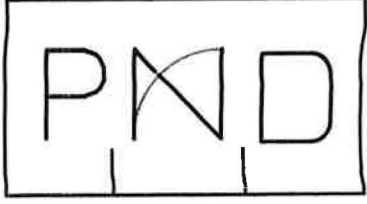
- Ridge 5707
- All Existing Ceilings 3500
- Lintel Extension 2800
- Level G 0
- Level F -580



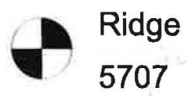
Proposed Typical Section

(C) Copyright - Drawings for Discussion Purposes Only

Title - Proposed Elevations & Section	Client - Patrick Whelan	Scale - 1:100	PND BUILDING CONSULTANCY LTD. Registered Building Surveyors & Quantity Surveyors Kilrush House, Frances Street, Kilrush, Co. Clare. Tel: 087 976 5226 Email: padraig@pndconsultancy.com	P/23/194/02 ED-01 25.03.24
Project - Proposed Declaration of Exempted Development	Address - Miltown Road, Doonbeg, Co. Clare.	Size - A3		



Proposed Extension shown Edged in



Ridge

5707



All Existing Ceilings

3500



Lintel Extension

2800

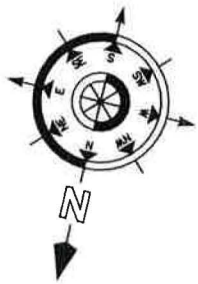


Level G

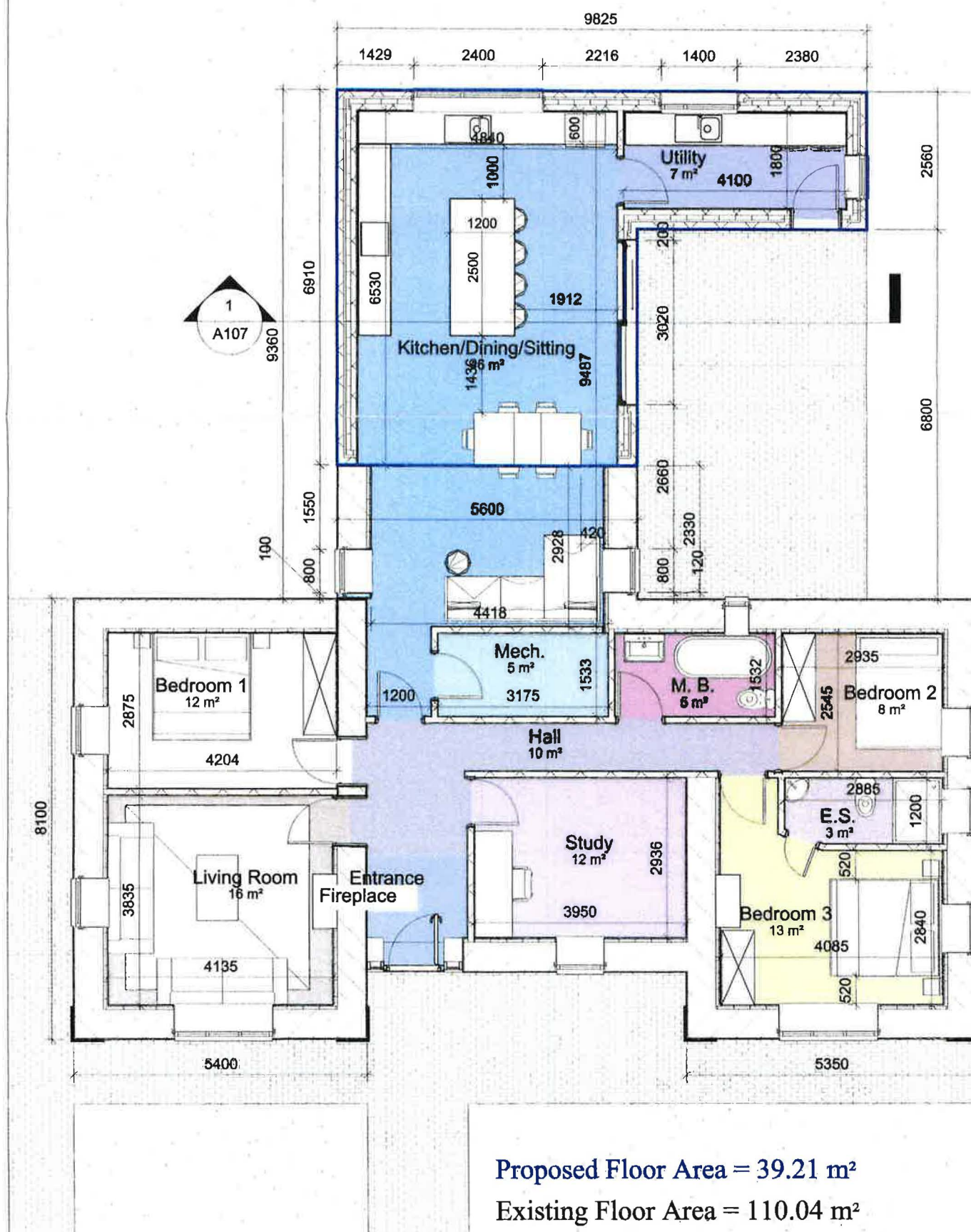
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Proposed North Elevation



Existing &
Proposed
F.F.L. =
100.000m



Proposed Floor Area = 39.21 m²

Existing Floor Area = 110.04 m²

Proposed Floor Plan

(C) Copyright - Drawings for Discussion Purposes Only

Title - Proposed Front Elevation & Floor Plan

Client - Patrick Whelan

Scale - 1:100

PND BUILDING CONSULTANCY LTD.
Registered Building Surveyors &
Quantity Surveyors
Kilrush House, Frances Street,
Kilrush, Co. Clare.
Tel: 087 976 5226
Email: padraig@pndconsultancy.com

P/23/194/01

ED-01

25.03.24

Project - Proposed Declaration of Exempted Development

Address - Miltown Road, Doonbeg, Co. Clare.

Size - A3

