



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Kathleen Glynn  
Ballaghboy  
Doora  
Ennis  
Co. Clare  
V95 HE2A**

**13th March 2024**

**Section 5 referral Reference R24-16 – Kathleen Glynn**

Is the construction of two extensions to the existing house development and if so, is it exempted development?

A Chara,

I refer to your application received on 19th February 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](http://www.pleanala.ie)

Mise, le meas

**Kieran O'Donnell  
Administrative 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



**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:

83276

Reference Number:

R24-16

Date Referral Received:

19th February 2024

Name of Applicant:

Kathleen Glynn

Location of works in question:

Ballaghboy, Doora, Ennis, Co. Clare

**Section 5 referral Reference R24-16 – Kathleen Glynn**

Is the construction of two extensions to the existing 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) Class 1 of Part 1 of Schedule 2 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 construction of a single storey extension to the side and to the front of the property at Ballaghboy, Doora, Ennis, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended.
- (b) The said works constitute "*development*" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended.
- (c) The said development of the construction of an extension to the front and side of the property at Ballaghboy, Doora, Ennis, Co. Clare, is not exempted development having regard to Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which restricts exempted development extensions to the rear only.

**ORDER:** Whereas by Chief Executive's Order No. HR 152 dated 9<sup>th</sup> 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 construction of an extension to the front and side of the existing dwelling at Ballaghboy, Doora, Ennis, Co. Clare is **considered development** which is **not exempted development**.

Signed:

 \_\_\_\_\_

**GARETH RUANE**  
**SENIOR EXECUTIVE PLANNER**

Date:

13th March 2024

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

Reference No.: R24-16



**Section 5 referral Reference R24-16**

**Is the construction of two extensions to the existing house development and if so, is it exempted development?**

**AND WHEREAS,** Kathleen Glynn 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) Class 1 of Part 1 of Schedule 2 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 construction of a single storey extension to the side and to the front of the property at Ballaghboy, Doora, Ennis, Co. Clare constitutes “works” which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended.
- (b) The said works constitute “*development*” which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended.
- (c) The said development of the construction of an extension to the front and side of the property at Ballaghboy, Doora, Ennis, Co. Clare, is not exempted development having regard to Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which restricts exempted development extensions to the rear only.

**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 construction of an extension to the front and side of the existing dwelling at Ballaghboy, Doora, Ennis, Co. Clare **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



**Kieran O'Donnell**  
**Administrative Officer**  
**Planning Department**  
**Economic Development Directorate**

**13th March 2024**

**CLARE COUNTY COUNCIL  
SECTION 5 DECLARATION OF EXEMPTION APPLICATION  
PLANNERS REPORT**

<b>FILE REF:</b>	<b>R24-16</b>
<b>APPLICANT(S):</b>	<b>Kathleen Glynn</b>
<b>REFERENCE:</b>	<b>Is the construction of two extensions to a dwellinghouse development and if so, is it exempted development?</b>
<b>LOCATION:</b>	<b>Ballaghboy, Doora, Ennis, Co. Clare</b>
<b>DUE DATE:</b>	<b>14<sup>th</sup> March 2024</b>

### Site Location

The site is located at Ballaghboy, Doora, Ennis, Co. Clare and is located on the main Tulla Road (R-469) and is accessed from two routes. The site is accessed along a private laneway shared, which is in bad repair, with neighbouring residents. The site comprises of an existing, detached, single storey dwellinghouse which is heavily screened from the public roadway and from this access point off the private laneway. In addition to the heavy natural screening aspect, the site from this perspective, is bound by a high wall and large gate. Access is also possible from R-469 via a long driveway, bound by a low- lying stone wall and heavy screening along both side boundaries.

### Recent Onsite Planning History

- P8 22037: Kathleen Glynn: Permission for the construction of extension to existing house and septic tank at Ballaghboy, Doora in accordance with plans submitted. **Granted with conditions in 1985.**

Having review the above mentioned planning file, it is noted that the extension in question at the time relates to the bathroom area to the rear of the dwellinghouse. The extension has been shown on the submitted drawings with this Section 5 application.

### Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Kathleen Glynn, the stated owner of the property.

The applicant is seeking a Section 5 Declaration as to whether the construction of two extensions to a dwellinghouse development and if so, is it exempted development?

There are two extensions in question. The details of same are as below:

Extension 1: Completed in 1993 and located to the side of the original dwelling. The total area is noted as being 23.74sqm. Its current use is as a kitchen and a bedroom.

Extension 2: Completed in 2009 and located to the front (if accessed directly off R-469 via the driveway) of the original dwelling. The total area is noted as being 13.13sqm. Its current use is as a living room.

It is noted that the application refers to the applicant requesting a declaration of retention permission relation to said extensions.

### Statutory Provisions

#### Planning and Development Act, 2000 (as amended)

To assess this proposal, regard must 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,

(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.

(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 applicant is seeking a Section 5 Declaration as to whether the construction of two extensions to a dwellinghouse development and if so, is it exempted development?

### **Particulars of the Development**

- Combined Floor Area: 36.87sqm
- Height: Single storey
- Location: Extension 1 to the side of the original dwelling (since 1993)  
Extension 2 to the front (if accessed directly off R-46) and constructed in 2009.
  
- Status: Fully constructed since 1993 and 2009 respectfully.

**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.*

The extensions are located to the front and side 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 been previously extended by way of an extension to the side (Extension 1 – kitchen and bedroom) and an extension to the front (Extension 2 – living room). The combined floor area is 36.87sqm.

*(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 stand- alone dwelling.

*(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.

*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 house has been previously extended by way of an extension to the side (Extension 1 – kitchen and bedroom) and an extension to the front (Extension 2 – living room). The combined floor area is 36.87sqm.

*(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 stand- alone dwelling.

*(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 extensions of single storey on the ground floor area only.

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

Not applicable.

*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.*

Not applicable.

*(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.*

Not applicable.

*(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.*

Not applicable.

*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.*

The dwelling occupies a generously sized residential site and includes a long driveway, with lawned areas along the side boundaries with a large amount of mature trees / shrubbery within the site. The measurements of the private open space have not been provided for however, taking into account the space / driveway to the front of the dwelling, it is considered there is ample open space available.

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

Not applicable.

(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 – single storey proposal.

(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.

### **Conclusion**

Having regard to the above I consider that the proposed extension constitutes works and that in order to conclude if the proposed development benefits from exempted development status under Part 1, Class 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), further information is required.

### **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 appear to contravene a condition of any previous permission. No planning history available as per the planning register.

*(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,*

Not 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 is located to the side and front of the dwelling and there is very limited visibility of same from the public road. The extensions appear to be consideration of the proportions / original design of the original dwelling and I consider that the extensions will not have a negative impact on the character of 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 application.

*(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 subject site is located approx. 0.52km from the Special Area of Conservation: Lower River Shannon SAC and having regard to the nature and scale of the proposed development (two small extensions for domestic use) and the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues arise and I do not consider 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.

*(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.”*

Not applicable in this instance

*(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,*

Not applicable in this instance.

*(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.

### **Environmental Impact Assessment**

In assessing this application I have had regard to the provisions of EU Directive 2014/52/EU (which amends EU Directive 2011/92/EU), and which has been transposed into Irish legislation by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (SI No. 296 of 2018). The subject development does not fall within the mandatory requirements for EIA as set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. I therefore consider that the proposal constitutes a sub-threshold



development and note the requirements of Article 103 (1)(a) and (b) of the Planning and Development Regulations 2001, as amended. As such having regard to the nature and scale of the proposed development and the nature of the receiving environment I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Flood Risk**

Following examination of the relevant GIS information in relation to flood risk assessment, it is noted that the subject site is located within Flood Zone A. Taking into account the small scale of the proposal, which is within an established and existing residential area, the absence of a pathway to a European site, it is considered that a site- specific flood assessment report is not required in this instance.

### **Conclusions**

The following question has been referred to the Planning Authority:

***Whether the construction of two extensions to a dwellinghouse development and if so, is it 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) Class 1 of Part 1 of Schedule 2 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 construction of a single storey extension to the side and to the front of the property at Ballaghboy, Doora, Ennis, Co. Clare constitutes “works” which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute “development” which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended.
- (c) The said development of the construction of an extension to the front and side of the property at Ballaghboy, Doora, Ennis, Co. Clare, is not exempted development having regard to Class 1 of

Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which restricts exempted development extensions to the rear only.

**NOW THEREFORE** Clare County Council (Planning Authority), hereby decides that the construction of an extension to the front and side of the existing dwelling at Ballaghboy, Doora, Ennis, Co. Clare is development and is not exempted development.



**Assistant Planner**

**Date: 13<sup>th</sup> March 2024**



**Senior Executive Planner**

**Date: 13/03/24**

Site Visited on: 1<sup>st</sup> March 2024







(Google Images)



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Kathleen Glynn  
Ballaghboy  
Doora  
Ennis  
Co. Clare  
V95 HE2A**

**19/02/2024**

**Section 5 referral Reference R24-16 – Kathleen Glynn**

**Is the construction of two extensions to the existing house development and if so, is it exempted development?**

A Chara,

I refer to your application received on 19th February 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



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

19/02/2024 15:25:00

Receipt No. : L1CASH/0/360763  
\*\*\*\*\* REPRINT \*\*\*\*\*

KATHLEEN GLYNN  
BALLAGHBOY  
DOORA  
ENNIS  
CO. CLARE

R24-16

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

Total : 80.00 EUR

Tendered :  
CREDIT CARDS 80.00

Change : 0.00

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

P07

CLARE COUNTY COUNCIL  
COMHAIRLE CONTAE AN CHLÁIR

CLARE  
COUNTY COUNCIL

19 FEB 2024

Received  
Planning Section

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](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



Comhairle Contae an Chláir  
Clare County Council

R24-16

**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	<p>KATHLEEN GLYNN</p> <p>BALLAGHBOY,</p> <p>BOORA, ENNIS,</p> <p>CO. CLARE Eircode: V9SHE2A</p>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>N/A</p> <p>EIRCODE:</p>



**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?

I am requesting Declaration of Retention permission in relation to two extensions to my house

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

EXTENSION No 1 - Completed in 1993  
Total area 23.74 sq. METRES (Kitchen & Bedroom)

EXTENSION No. 2 - Completed in 2009  
Total area 13.13 sq. METRES (LIVING ROOM)

(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)*

SITE LOCATION MAP x 2 ENCLOSED

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	BALLAGHBOY, DOORA, ENNIS, CO. CLARE V95 HE2A
(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):	I AM THE LEGAL OWNER OF THE PROPERTY
(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)?:	N/A
(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>	YES - CCC Ref. No. P8/22037 PERMISSION GRANTED 24/6/1985
(h) Date on which 'works' in question were completed/are likely to take place:	EXTENSION No 1 completed 1993 EXT. No. 2 Completed 2009

SIGNED: Kathleen Glynn

DATE: 19/2/2024

**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:	.....		

# Site Location Map



**Tailte Éireann**

**CENTRE COORDINATES:**  
ITM 535429,676953

**PUBLISHED:** 19/02/2024  
**ORDER NO.:** 50383913\_2

**MAP SERIES:** 6 Inch Raster  
**MAP SHEETS:** CE033  
6 Inch Raster CE034

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

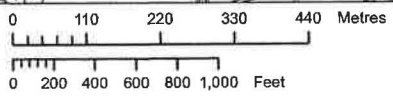
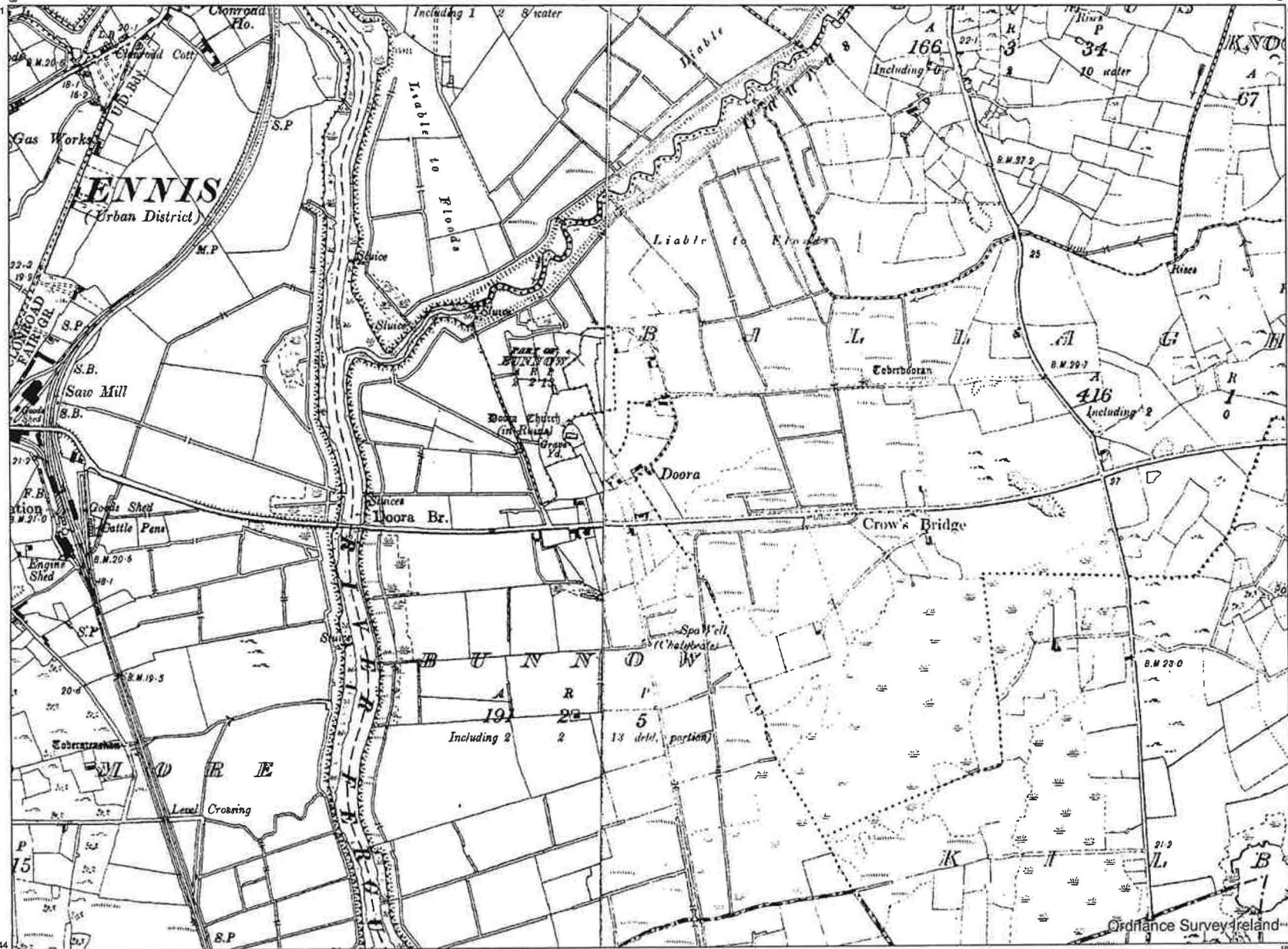
Any unauthorised reproduction infringes Tailte Éireann copyright.

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

©Tailte Éireann, 2024.  
All rights reserved.



**OUTPUT SCALE: 1:10,560**

**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](http://www.tailte.ie); search 'Capture Resolution'

**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'



Ordnance Survey Ireland

# Planning Pack Map



**Tailte Éireann**

**CENTRE COORDINATES:**  
ITM 535429,676953

**PUBLISHED:** 19/02/2024  
**ORDER NO.:** 50383913\_1

**MAP SERIES:** 1:2,500  
**MAP SHEETS:** 4322-B

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

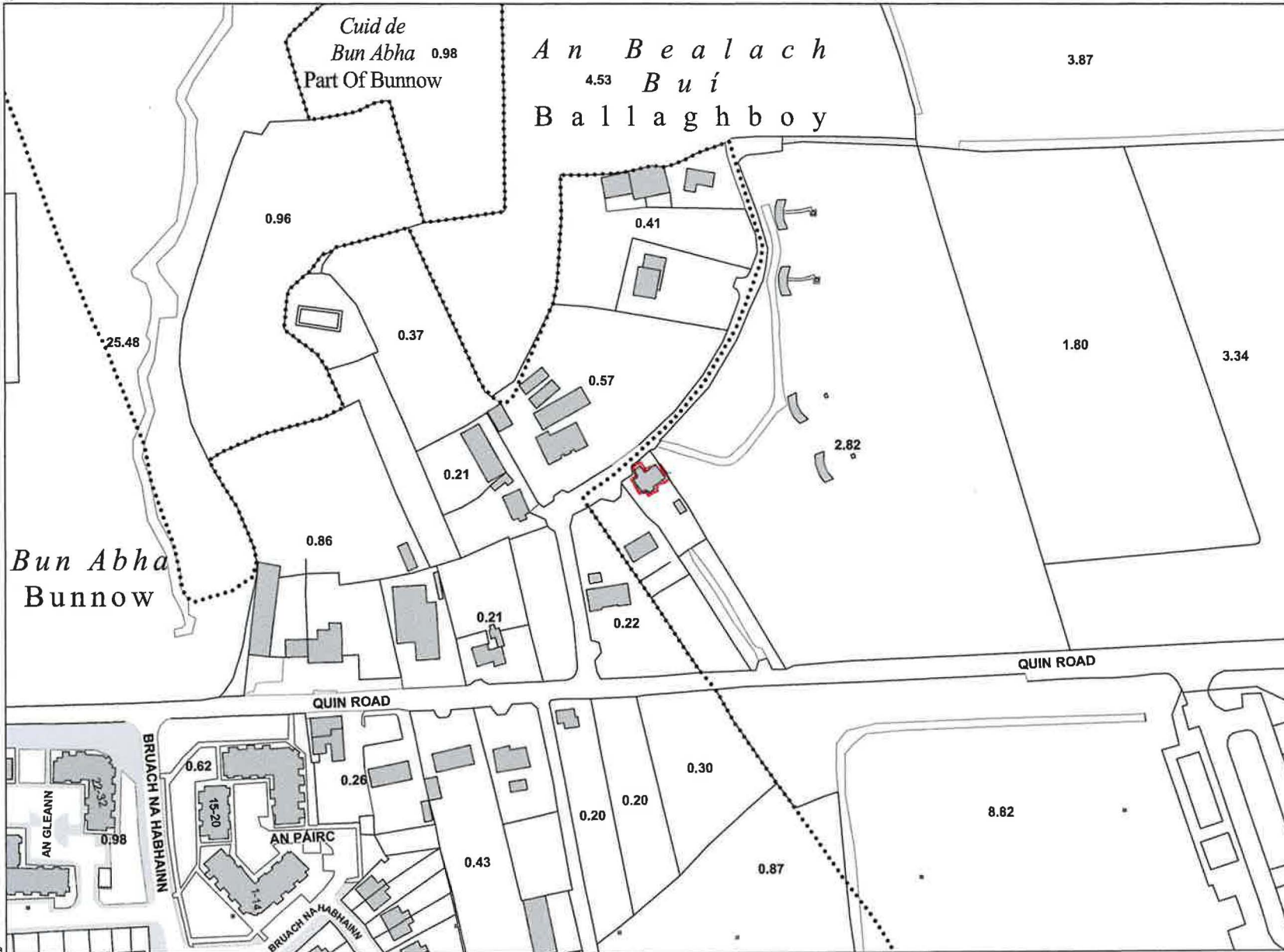
Any unauthorised reproduction infringes Tailte Éireann copyright.

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

©Tailte Éireann, 2024.  
All rights reserved.



**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](http://www.tailte.ie); search 'Capture Resolution'

**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'



# Planning Pack Map



**Tailte  
Éireann**

**CENTRE  
COORDINATES:**  
ITM 535429,676953

**PUBLISHED:** 19/02/2024  
**ORDER NO.:** 50383913\_2

**MAP SERIES:** 1:2,500  
**MAP SHEETS:** 4322-B

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

Any unauthorised reproduction  
infringes Tailte Éireann copyright.

No part of this publication may  
be copied, reproduced or transmitted  
in any form or by any means without  
the prior written permission of the  
copyright owner.

The representation on this map  
of a road, track or footpath  
is not evidence of the existence  
of a right of way.

This topographic map  
does not show  
legal property boundaries,  
nor does it show  
ownership of physical features.

©Tailte Éireann, 2024.  
All rights reserved.

*An Bealach Bui*  
Ballaghboy

*B u n A b h a*  
*B u n n o w*

*A n B e a l a c h*  
*B u í*  
*B a l l a g h b o y*

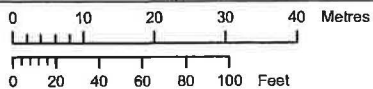
0.37

0.57

0.21

2.82

0.22

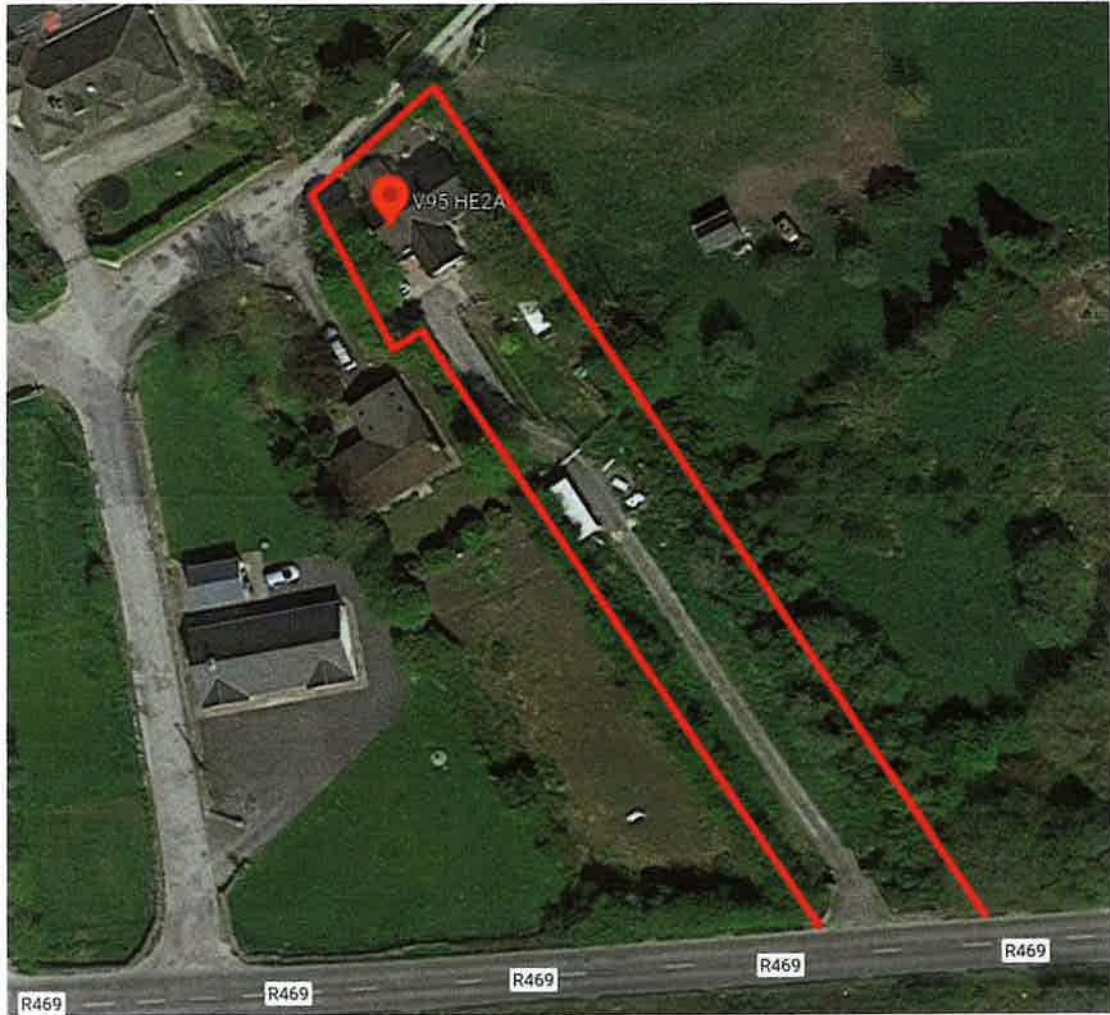


**OUTPUT SCALE: 1:1,000**

**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](http://www.tailte.ie); search 'Capture Resolution'

**LEGEND:**  
To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
'Large Scale Legend'









CLARE COUNTY COUNCIL  
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1983

NOTIFICATION OF A GRANT OF PERMISSION (SUBJECT TO CONDITIONS)

To: Ms. Kathleen Glynn,  
Ballaghboy,  
Doora,  
Co. Clare.

Reference No. in  
Register of Clare  
County Council P8/22037

Application by Kathleen Glynn,

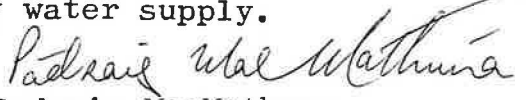
of Ballaghboy, Doora,

on 27th March 1985 for permission for

the construction of extension to existing house and septic tank  
at Ballaghboy, Doora in accordance with the plans  
submitted,

A permission has been granted for the development described above  
subject to the following 2 condition(s):-

1. The development shall comply generally with the Proposed Building Regulations.
2. The septic tank and percolation area shall be properly constructed in accordance with an approved plan and shall be located in a position not less than 60 feet from any dwellinghouse and public road and not less than 100 feet from the source of any water supply.

  
Padraig MacMathuna

SIGNED on behalf of Clare County Council

for County Secretary, Planning  
Section, New Road, Ennis.

DATE 24th June 1985