



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

### Registered Post

Laetitia Sorohan  
70 Bruach na hAbhainn  
Quin Road  
Ennis  
Co. Clare  
V95 K1K8

16th April 2024

#### **Section 5 referral Reference R24-33 – Laetitia Sorohan**

Is the conversion of a garage attached to the house into a workspace and the installation of a double window in place of the current garage doors development and if so, are they exempted development?

A Chara,

I refer to your application received on 22nd March 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

**Anne O'Gorman**  
Staff Officer  
Planning Department  
Economic Development Directorate

**An Roinn Pleanála**  
**An Stiúthóireacht 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.: R24-33**



**Comhairle Contae an Chláir  
Clare County Council**

**Section 5 referral Reference R24-33**

**Is the conversion of a garage attached to the house into a workspace and the installation of a double window in place of the current garage doors development and if so, are they exempted development?**

**AND WHEREAS, Laetitia Sorohan** 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 –**

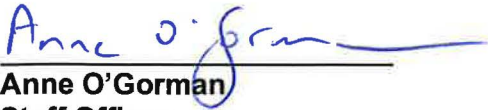
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.
- (c) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2001, as amended.
- (d) The works as indicated in submitted documents received by the Planning Authority on 22<sup>nd</sup> March 2024.

**And whereas Clare County Council has concluded:**

- (a) The conversion of an adjoining garage into a workspace and the installation of a double window in place of garage doors (at the front of the house) at 70 Bruach na hAbhainn 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 proposed development consisting of the conversion of an adjoining garage into a workspace at 70 Bruach na hAbhainn which is to the side of the existing dwelling is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2001.
- (d) The installation of a double window in place of garage doors (*at the front of the house*) at 70 Bruach na hAbhainn is considered to affect the external appearance of the structure however not so as to render the appearance inconsistent with the character of the structure or of neighbouring structures (*similar works have been carried out on some of the existing structures adjacent to the subject site*) and is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000, as amended.

**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 conversion of an adjoining garage into a workspace and the installation of a double window in place of garage doors (at the front of the house) at 70 Bruach na hAbhainn constitutes development which is exempted Development.



**Anne O'Gorman**  
**Staff Officer**  
**Planning Department**  
**Economic Development Directorate**

**16th April 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: 83419  
Reference Number: R24-33  
Date Referral Received: 22nd March 2024  
Additional Information Received: 10<sup>th</sup> April 2024  
Name of Applicant: Laetitia Sorohan  
Location of works in question: 70 Bruach na hAbhainn ,Ennis, Co.Clare

**Section 5 referral Reference R24-33 – Laetitia Sorohan**

Is the conversion of a garage attached to the house into a workspace and the installation of a double window in place of the current garage doors development and if so, are they 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 received by the Planning authority on the 22<sup>nd</sup> March 2024.

**AND WHEREAS Clare County Council has concluded:**

- (a) The conversion of an adjoining garage into a workspace and the installation of a double window in place of garage doors (at the front of the house) at 70 Bruach na hAbhainn 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 proposed development consisting of the conversion of an adjoining garage into a workspace at 70 Bruach na hAbhainn which is to the side of the existing dwelling is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations ,2001.
- (d) The installation of a double window in place of garage doors (*at the front of the house*) at 70 Bruach na hAbhainn is considered to affect the external appearance of the structure however not so as to render the appearance inconsistent with the

character of the structure or of neighbouring structures (*similar works have been carried out on some of the existing structures adjacent to the site*) and is exempted development having regard to Section 4(1) (h) of the Planning and Development Act 2000, as amended.

**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 conversion of an adjoining garage into a workspace and the installation of a double window in place of garage doors (at the front of the house) at 70 Bruach na hAbhainn, Ennis, Co. Clare is **considered development** which is **exempted development**

**Signed:**

  
\_\_\_\_\_  
**GARETH RUANE**  
**SENIOR EXECUTIVE PLANNER** 

**Date:**

**16th April 2024**

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

<b>FILE REF:</b>	R24 33
<b>APPLICANT(S):</b>	Laetitia Sorohan
<b>REFERENCE:</b>	Whether the conversion of a garage attached to the house into a workspace and the installation of a double window in place of the current garage doors at 70 Bruach na hAbhainn, Ennis, Co. Clare, development / not development and if so is it exempted / not exempted development?
<b>LOCATION:</b>	70 Bruach na hAbhainn, Ennis, Co. Clare,
<b>DUE DATE:</b>	Thursday, 18 April 2024

**Site Location**

The subject site is located within the Bruach na hAbhainn residential development and is located on L-8675. The existing structure is a two storey, detached, residential dwellinghouse with garage adjoining same (to the west), which currently owned and occupied by the referrer.

**Recent Planning History**

None.

**Background to Referral**

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Laetitia Sorohan (applicant). The applicant's legal interest in the site is stated as owner / occupier of the property.

The applicant is seeking a Section 5 Declaration in relation to the following:

***Whether the conversion of a garage attached to the house into a workspace and the installation of a double window in place of the current garage doors at 70 Bruach na hAbhainn, Ennis, Co. Clare, development / not development and if so is it exempted / 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.*

#### *Exempted Development*

4.—(1) *The following shall be exempted developments for the purposes of this Act—*  
*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

5. - (7) *A planning authority, before making a declaration under this section, shall consider the record forwarded to it in accordance with subsection (6)(c).*

#### 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,*

*(iv) 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**

### **Particulars of the Development**

The application makes reference to the referrers intended works which consists of converting an adjoining garage into a workspace whereby the existing garage doors would be replaced by a double window (similar to the existing) thereafter with some internal works also being carried out. The garage is indicated as being around 24sqm. Should the garage be converted to a workspace, the referrer advises that same would be a private space with no business visitors permitted. The proposed works / alterations are located to the front of the existing structure. Following a site visit, it is noted similar works have taken place in some other dwellings in the vicinity.

### **Planning Exemption Assessment**

For the purposes of the assessment, the conversion of the existing garage and the proposed installation of double window (*to replace the existing garage door*) to the front of the existing dwelling shall be assessed under Class 1, Part 1, Schedule 2 and Section 4(1)(h), respectively, of the Planning and Development Regulations, 2001, as amended.

### **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 proposal refers to the conversion of the existing garage, which is located to the side of the existing dwelling.**

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

**The existing garage is noted as being around 24sqm.**

*(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 a semi detached dwelling. The garage / proposed conversion area is on the ground floor only.**

*(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 garage / proposed conversion area is on the ground floor only.**

*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 existing garage is noted as being around 24sqm.**

*(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.*

**Not applicable**

*(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 garage / proposed conversion area is on the ground floor 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.*

**Not applicable – the proposal does not affect the private open space area.**

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

**The proposed window will be to the front of the existing dwelling therefore this is 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.**

*(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.**

Planning and Development Act 2000 (as amended) Section 4

4.— (1) The following shall be exempted developments for the purposes of this Act—  
(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

**Having regard to the nature of the proposed work, it is considered that the removal of double doors and replacing it with a double window would materially affect the exterior of the dwelling however it is noted that similar works have been carried out on some of the existing structures adjacent to the subject site, therefore there are no concerns in this regard.**

- 5 (7) A planning authority, before making a declaration under this section, shall consider the record forwarded to it in accordance with *subsection (6)(c)*.

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

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below (for both the dwelling extension and the garage):

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

**Not applicable.**

- (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.

**Not applicable.**

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

**Not applicable.**

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

**Not applicable.**

- (iv) 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.

**It is noted that similar works have been carried out on some of the existing structures adjacent to the subject site therefore there are no concerns in this regard.**

- (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.

**This is not applicable.**

- (vi) 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.

**This is not applicable.**

(vii)

- a. 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.

**This is not applicable.**

- b. 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.

**This is not applicable.**

- c. 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."

**This is not applicable.**

- (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.

**This is not applicable.**

- (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.

**This is not applicable.**

- (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.

**This is not applicable.**

- (xi) obstruct any public right of way.

**This is not applicable.**

- (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.

**This is not applicable.**

#### **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 7 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.

#### **Appropriate Assessment**

Having regard to the small scale and domestic nature of the development, the location of the development in an urban area, and the consequent absence of a pathway to the European site, it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

## **Recommendation**

The following question has been referred to the Planning Authority:

***Whether the conversion of a garage attached to the house into a workspace and the installation of a double window in place of the current garage doors at 70 Bruach na hAbhainn, Ennis, Co. Clare, development / not development and if so is it exempted / 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 received by the Planning Authority on 22<sup>nd</sup> March 2024.

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

- (a) the conversion of an adjoining garage into a workspace and the installation of a double window in place of garage doors (at the front of the house) at 70 Bruach na hAbhainn 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 proposed development consisting of the conversion of an adjoining garage into a workspace at 70 Bruach na hAbhainn which is to the side of the existing dwelling is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2001.
- (d) the installation of a double window in place of garage doors (*at the front of the house*) at 70 Bruach na hAbhainn is considered to affect the external appearance of the structure however not so as to render the appearance inconsistent with the character of the structure or of neighbouring structures (*similar works have been carried out on some of the existing structures adjacent to the subject site*) and is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000, as amended.

**NOW THEREFORE**, Clare County Council (Planning Authority), hereby decides that the the conversion of an adjoining garage into a workspace and the installation of a double window in



place of garage doors (at the front of the house) at 70 Bruach na hAbhainn is development and is exempted development.



**Royston Kerin**  
**Assistant Planner**

Date: 12/04/2024



**Garreth Ruane**  
**Senior Executive Planner**

Date: 15/06/24

**Visted 8<sup>th</sup> April 2024**

**70 Bruach na hAbhainn**





**House next door with similar works carried out.**



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Laetitia Sorohan**  
70 Bruach na hAbhainn  
Quin Road  
Ennis  
Co. Clare  
V95 K1K8

25/03/2024

**Section 5 referral Reference R24-33 – Laetitia Sorohan**

Is the conversion of a garage attached to the house into a workspace / future bedroom and the installation of a double window in place of the current garage doors development and if so, are they exempted development?

A Chara,

I refer to your application received on 22nd March 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

22/03/2024 15:34:33

Receipt No. L1CASH/0/362220

\*\*\*\*\* REPRINT \*\*\*\*\*

LAETITIA SOROHAN  
70 BRUACH NA HABHAINN  
QUIN ROAD  
ENNIS  
CO CLARE  
V95 K1K8  
REF R24/33

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

Total : 80.00 EUR

Tendered :  
CREDIT CARDS 80.00

Change : 0.00

Issued By : L1CASH- Nollin Hayes  
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](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



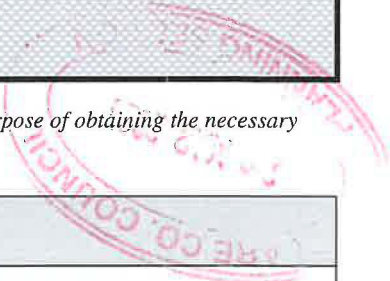
R24-33

**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

<b>1. CORRESPONDENCE DETAILS.</b>	
(a) Name and Address of person seeking the declaration	<p>LAETITIA SOROHAN</p> <p>70 BRUACH NA HBHÁINN</p> <p>QUIN ROAD</p> <p>ENNIS, CO-CLARE</p> <p>Eircode: V95K1K8</p>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>Same as above</p> <p>EIRCODE: V95K1K8</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?

- 1) Is the conversion of a garage\* attached to the house exempt from planning permission? (\*into a work space / future bedroom)
- 2) Is the installation of a double window in place of the current garage doors exempt?

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

I am looking into converting the garage attached to my house into a work space / craft studio (additional bedroom depending on needs).

There would be the following alterations required =

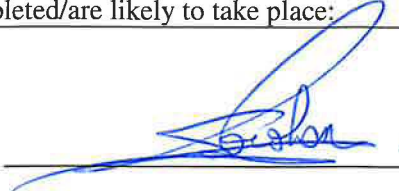
- 1) the current garage doors would be replaced by a double window, matching the other houses in the estate where the garage has been converted.
- 2) the wall inside the house near the stairs would be opened to install a door, thereby allowing direct internal access to the workspace / bedroom.
- 3) The workspace would remain private with no visitors allowed access business

Size of garage = approximately 24 m<sup>2</sup>.

(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)

Please see 2x Copies of the site location.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	70 BRVACH MA HBHAINW QUIN ROAD ENNIS, CO. CLARE V95 K1K8
(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):	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>	NA
(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>	NO
(h) Date on which 'works' in question were completed/are likely to take place:	SUMMER 2024

SIGNED: 

DATE: 20/03/2024



**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: .....	

