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COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

John Hunt
13 Ballycasey Manor,
Shannon,
Co. Clare
V14 XK26

10th June 2021

Section 5 referral Reference R21-32 – John Hunt

Whether the construction of a sunroom development at the rear of No. 13 Ballycasey Manor, Shannon, Co. Clare V14 XK26 is considered development and if so, is it exempted development.

A Chara,

I refer to your application received on 25th May 2021 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

Mise, le meas

Kieran O'Donnell
Administrative 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.: R21-32



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R21-32

Whether the construction of a sunroom development at the rear of No. 13 Ballycasey Manor, Shannon, Co. Clare V14 XK26 is considered development and if so, is it exempted development.

AND WHEREAS, John Hunt 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) The works as indicated in submitted documents from the referrer.
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended)
- (d) Part 9 'Restrictions on Exempted Development' of the Planning and Development Regulations 2001 (as amended).

And whereas Clare County Council has concluded:

The stated works, which consist of construction of a rear sunroom development at the rear of No. 13 Ballycasey Manor, Shannon County Clare is development and is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (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 stated works, which consist of construction of a rear sunroom development at the rear of No. 13 Ballycasey Manor, Shannon County Clare **constitutes development** which is **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

10th June 2021

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:

77788

Reference Number:

R21-32

Date Referral Received:

25th May 2021

Name of Applicant:

John Hunt

Location of works in question:

**13 Ballycasey Manor, Shannon, Co. Clare
V14 XK26**

Section 5 referral Reference R21-32 – John Hunt

Whether the construction of a sunroom development at the rear of No. 13 Ballycasey Manor, Shannon, Co. Clare V14 XK26 is considered 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) The works as indicated in submitted documents from the referrer.
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended)
- (d) Part 9 'Restrictions on Exempted Development' of the Planning and Development Regulations 2001 (as amended).

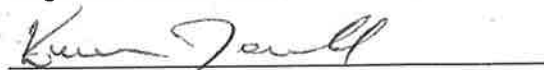
AND WHEREAS Clare County Council has concluded:

The stated works, which consist of construction of a rear sunroom development at the rear of No. 13 Ballycasey Manor, Shannon County Clare is development and is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended)

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 Kieran O'Donnell, Administrative Officer, 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, Kieran O'Donnell, Administrative Officer, hereby declare that the stated works, which consist of construction of a rear sunroom development at the rear of no. 13 Ballycasey Manor, Shannon County Clare is considered development which is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

Signed:



KIERAN O'DONNELL
ADMINISTRATIVE OFFICER

Date:

10th June 2021

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R21/32
APPLICANT(S):	John Hunt
REFERENCE:	Whether the construction of a sunroom development at the rear of no. 13 Ballycasey Manor is development and if so, is it exempted development.
LOCATION:	13 Ballycasey Manor Shannon
DUE DATE:	21-06-21

Site Location

This site is located within the settlement of Shannon and is zoned as Existing Residential. The site is occupied by a detached two storey dwelling. It is bound by the estate road to the east. The side and rear boundaries are delineated by 2m high block walls and hedging.

Planning History

On site, P8/27200- This was the original planning application for the Ballycasey Manor estate.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Mr John Hunt.

The applicant is seeking a Section 5 Declaration as to.

Whether the construction of a sunroom to the rear of no. 13 Ballycasey Manor is development and if so, is it exempted development.

Statutory Provisions

(1) 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.

The work as have been carried out (the subject sunroom) is considered to be development.

(2) Planning and Development Regulations 2001 (as amended)

In consideration of this referral, regard has been had to the form of exempted development provision as set out in Schedule 2, Part 1, Class 1, which provides for the following form of exempted development.

SCHEDULE 2

PART 1

*Exempted Development —
General Column 1*

*Description of Development
Development within the curtilage of a house*

Column 2

Conditions and Limitations

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*

(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 above ground 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.

The subject development consists of a sunroom extension to the rear of no. 13 Ballycasey Manor, Shannon and which has a floor area of 12.6m² and a maximum roof ridge height of 3.565m. The extension is not less than 2m from any boundary wall of the site.

The stated development is considered to come within the above class of exempted development.

Part 9 of the Planning and Development Regulations 2001 (as amended), 'Restrictions on Exempted Development' have also been considered and it is considered that none of the restrictions on exempted development apply in this case.

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to; Whether the construction of a sunroom to the rear of no. 13 Ballycasey Manor is development and if so, is it exempted development.

Conclusion

Having regard to the above, I consider that the stated works benefit from exempted development status under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended).

Recommendation

The following question has been referred to the Planning Authority:


Whether the construction of a rear sunroom development at the rear of no. 13 Ballycasey Manor is 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) The works as indicated in submitted documents from the referrer.
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended)
- (d) Part 9 'Restrictions on Exempted Development' of the Planning and Development Regulations 2001 (as amended).

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

The stated works, which consist of construction of a rear sunroom development, at the rear of no. 13 Ballycasey Manor, Shannon County Clare is development and is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended)


Annemarie Hennelly
Executive Planner
Date: 09-06-21


~~Garroth Ruane~~
A/Senior ~~Executive~~ Planner
Date: 10-06-2021



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

John Hunt
13 Ballycasey Manor,
Shannon,
Co. Clare
V14 XK26

25th May 2021

Section 5 referral Reference R21-32 – John Hunt

Whether the construction of a rear sunroom at 13 Ballycasey Manor, Shannon, Co. Clare V14 XK26 is considered development and if so, is it exempted development.

A Chara,

I refer to your application received on 25th May 2021 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

Mark Kerin
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



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



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

JOHN HUNT

13 BALLYCASEY MANOR

SHANNON,

CO. CLARE

V14 XK 26

(b) Telephone No.:

(c) Email Address:

(d) Agent's Name and address:

RAY MADDEN

RATHLAKEEN SOUTH

NEW MARKET - ON - FERGUS

G. CLARE

V95 625

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 CONSTRUCTION OF REAR SUNROOM DEVELOPMENT AND
 IF SO, IS IT EXEMPTED DEVELOPMENT?

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

THE PROPERTY IS "SALE AGREED AND DECLARATION
 OF EXEMPTED DEVELOPMENT HAS BEEN REQUESTED,

- (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)

2 NO: SITE LOCATION MAP

2 NO: SITE PLAN, FLOOR PLANS, ELEVATIONS
 & SECTION.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	13 BALLYCASEY MANOR SHANNON, CO CLARE. V14 XK26
(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?	N/A.
(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>	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)?:	No
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	No
(g) Were there previous planning application/s on this site? If so please supply details:	ORIGINAL DEVELOPMENT PERMISSION P8/27200
(h) Date on which 'works' in question were completed/are likely to take place:	1999

SIGNED:



DATE: 24.5.21

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:	

Planning Pack Map

CENTRE COORDINATES:
ITM 542086,662865

PUBLISHED:
21/05/2021

ORDER NO.:
50194721_1

MAP SERIES:
1:1,000

MAP SHEETS:
4618-03

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



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:
<http://www.osi.ie>, search 'Capture Resolution'

OUTPUT SCALE: 1:1,000

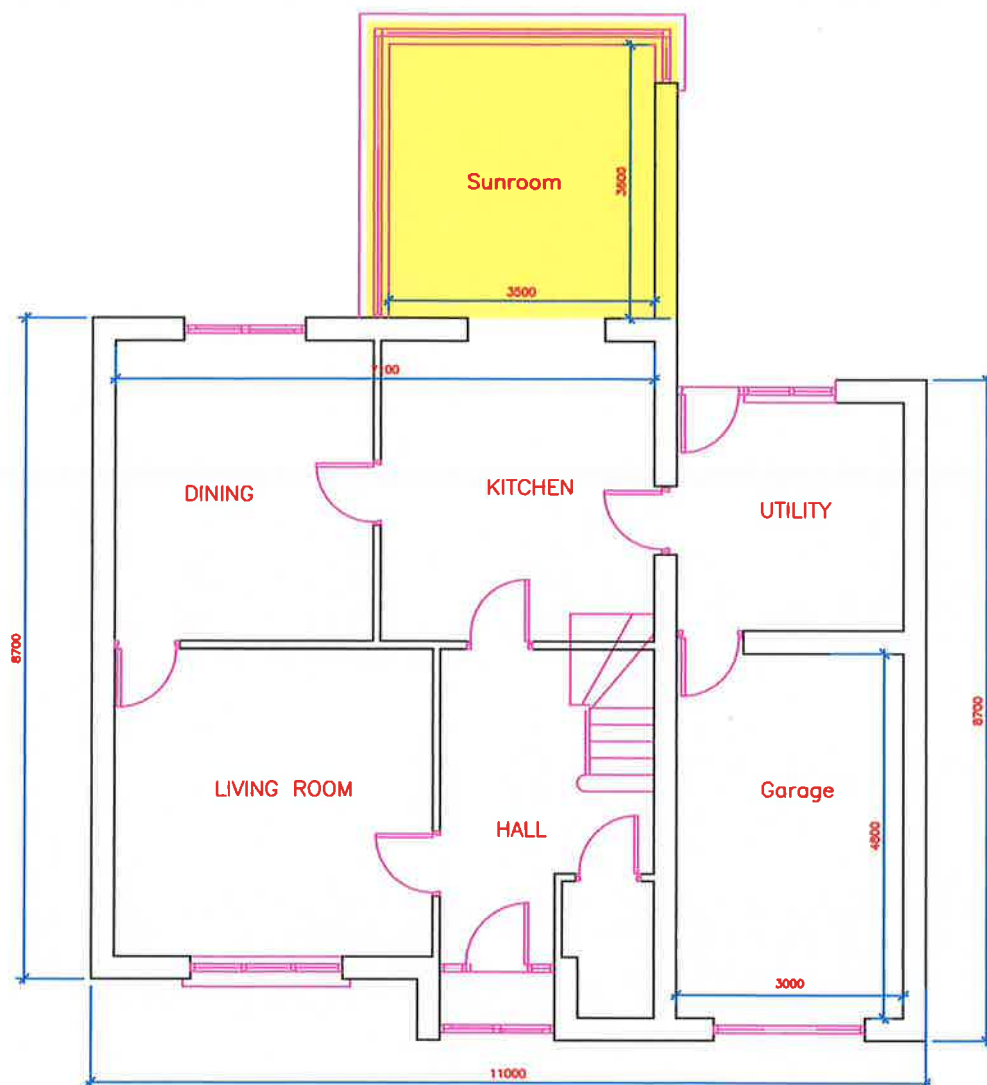


Site Plan (outlined in red)
Area of Site = 0.045Ha

scale 1:250

Area subject to Section 5 shaded yellow

CLIENT	JOHN HUNT	SCALE : 1:250
PROJECT	13 BALLYCASEY MANOR	DATE : 22/05/2021
TITLE	SITE PLAN	DRAWN BY : RAY MADDEN, RATHLAHEEN SOUTH, NEWMARKET ON FERGUS, TEL: 086-2202391 RAYMADDENBER@GMAIL.COM
		DWG No. H-01



Ground Floor Area (excluding sunroom) = 68m²

Area of Sunroom = 12.6m²

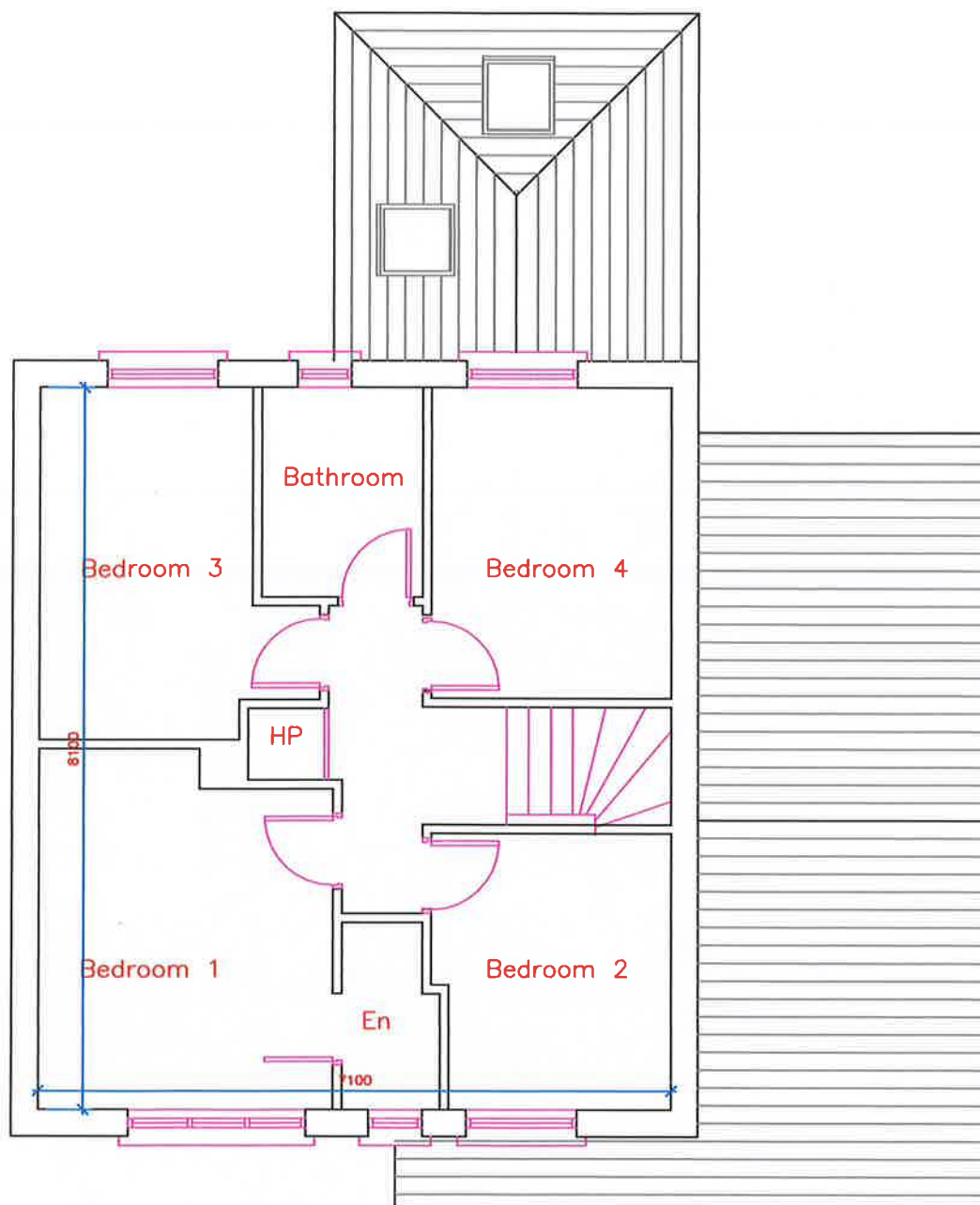
Area of Garage = 14.4m²

Ground Floor Plan
scale 1 : 100



Area subject to Section 5 shaded yellow

CLIENT	JOHN HUNT	SCALE : 1:100 DATE : 22/05/2021
PROJECT	13 BALLYCASEY MANOR	DRAWN BY : RAY MADDEN, RATHLAHEEN SOUTH, NEWMARKET ON FERGUS, TEL: 086-2202391 RAYMADDENBER@GMAIL.COM
TITLE	GROUND FLOOR PLAN	DWG No. H-02



First Floor Plan
scale 1:100



CLIENT	JOHN HUNT	SCALE : 1:100
PROJECT	13 BALLYCASEY MANOR	DATE : 22/05/2021
TITLE	FIRST FLOOR PLAN	DRAWN BY : RAY MADDEN. RATHLAHEEN SOUTH, NEWMARKET ON FERGUS. TEL: 086-2202391 RAYMADDENBER@GMAIL.COM
		DWG No. H-03



Front Elevation
scale 1:100

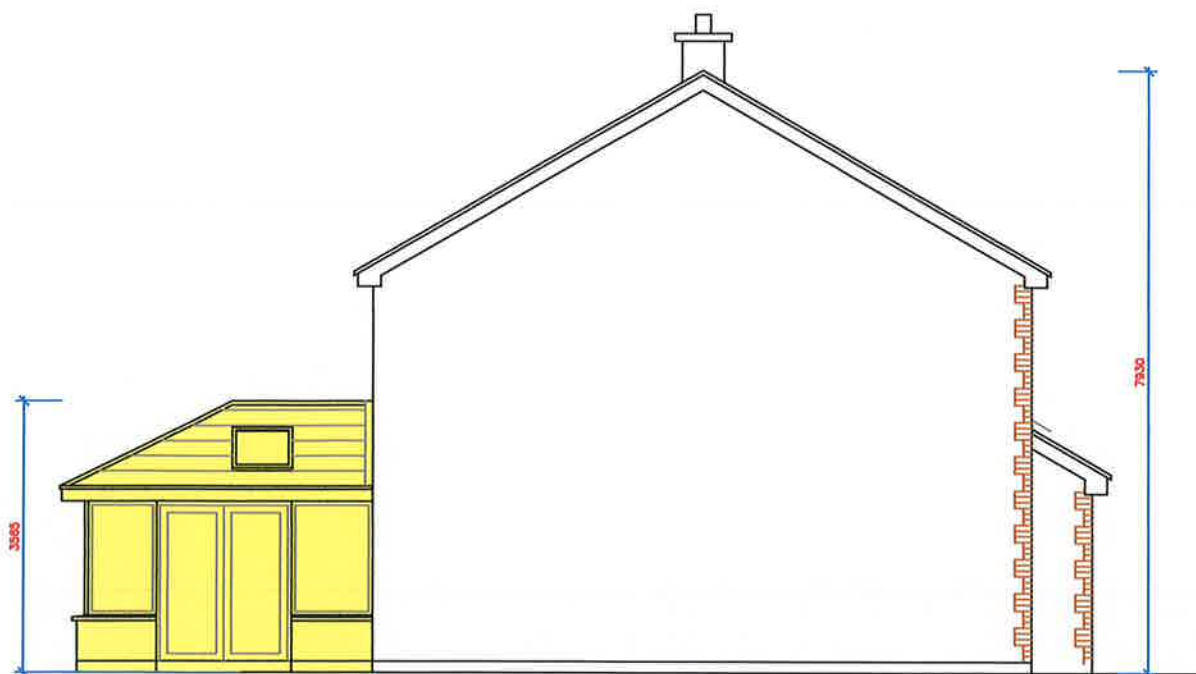


Rear Elevation
scale 1:100

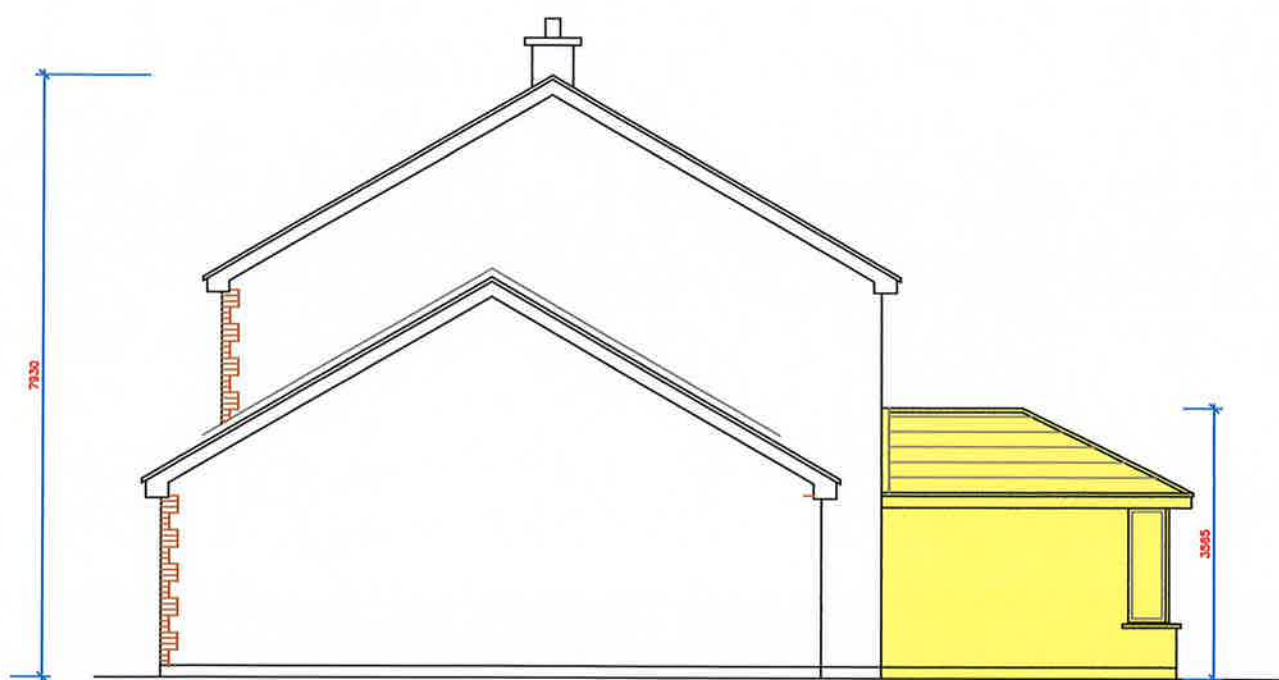
Area subject to Section 5 shaded yellow

CLIENT	JOHN HUNT	SCALE : 1:100 DATE : 22/05/2021 DRAWN BY : RAY MADDEN, RATHLAHEEN SOUTH, NEWMARKET ON FERGUS. TEL: 086-2202391 RAYMADDENBER@GMAIL.COM
PROJECT	13 BALLYCASEY MANOR	
TITLE	FRONT & REAR ELEVATIONS	

DWG No.
H-04



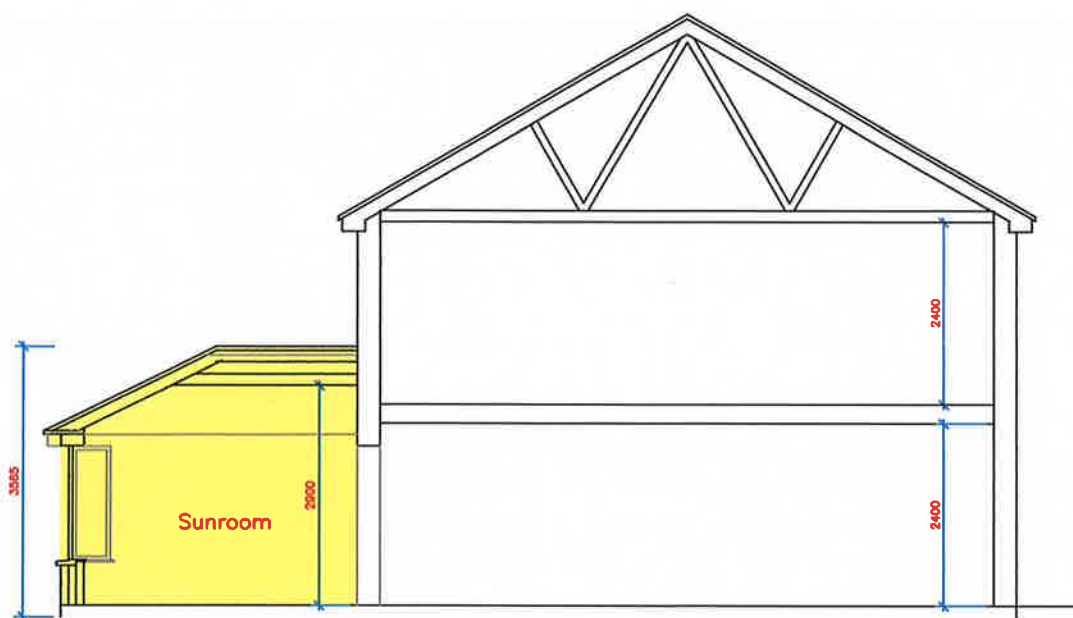
Side Elevation
scale 1 : 100



Side Elevation
scale 1 : 100

Area subject to Section 5 shaded yellow

CLIENT	JOHN HUNT	SCALE : 1:100
PROJECT	13 BALLYCASEY MANOR	DATE : 22/05/2021
TITLE	SIDE ELEVATIONS	DRAWN BY : RAY MADDEN. RATHLAHEEN SOUTH, NEWMARKET ON FERGUS. TEL: 086-2202391 RAYMADDENBER@GMAIL.COM
		DWG No. H-05



Section
scale 1:100

Area subject to Section 5 shaded yellow

CLIENT	JOHN HUNT	SCALE : 1:100
PROJECT	13 BALLYCASEY MANOR	DATE : 22/05/2021
TITLE	SECTION	DRAWN BY : RAY MADDEN. RATHLAHEEN SOUTH, NEWMARKET ON FERGUS. TEL: 086-2202391 RAYMADDENBER@GMAIL.COM
		DWG No. H-06

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

25/05/2021 13:45:28

Receipt No. : L1CASH/0/316943
***** REPRINT *****

JOHN HUNT
13 BALLYCASEY MANOR
SHANNON
CO CLARE
V14 XK26

R21-32

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

Total : 80.00 EUR

Tendered :
CHEQUES 80.00

Change : 0.00

Issued By : L1CASH - Ann Carey

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AN CHLÁIR

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